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Separate paging is given to this Part in order that it may be filed
as a separate compilation

NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 23rd June, 1964:—

Issue No.	No. and Date	Issued by	Subject
153	S. O. 2180, dated 17th June, 1964.	Cabinet Secretariat.	Amendments in the Government of India (Allocation of Business) Rules, 1961.
154	S. O. 2181, dated 18th June, 1964.	Ministry of Steel and Mines	Authorising certain classes of coal specified therein which any person may acquire or dispose of or transfer etc.
155	S. O. 2182, dated 19th June, 1964.	Ministry of Finance.	Corrigenda to S. Os. 1894 and 1895 dated 1st June, 1964.
156	S. O. 2183, dated 19th June, 1964.	Ministry of Food and Agriculture.	Fixation of tariff values of certain articles specified in the Schedule therein.
157	S. O. 2184, dated 23rd June, 1964.	Ministry of Information and Broadcasting.	Approval of Films specified therein.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 22nd June, 1964.

S.O. 2276.—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950 (43 of 1950), the Election Commission, in consultation with the Government of Bihar hereby nominates Shri Vankatesh Narain, as the Chief Electoral Officer for the State of Bihar with effect from the date he takes over charge and until further orders *vice* Shri Rajendra Prasad transferred.

[No. 154/3/64.]

S.O. 2277.—Whereas the election of Shri Salay Mohamed Saif as a Member of the Council of States by the elected members of the Kerala Legislative Assembly has been called in question by an election petition presented under Part VI of the Representation of the People Act, 1951, by Shri M. C. Abraham;

And whereas the Election Commission has caused a copy of the petition to be published in the Gazette of India and has served a copy thereof by post on each of the respondents under sub-section (1) of section 86 of the Representation of the People Act, 1951;

Now, therefore, in exercise of the powers conferred by sections 86 and 88 of the said Act, the Election Commission hereby appoints Shri K. Sadasivan, District Judge, Ernakulam, as the member of the Election Tribunal for the trial of the said petition and Ernakulam as the place where the trial of the petition shall be held.

[No. 82/8/64.]

New Delhi, the 23rd June 1964

S.O. 2278.—Whereas the election of Shri Murarka Radhey Shyam Ram Kumar as a member of the House of the People from the Jhunjhunu constituency has been called in question by an election petition by Shri Rimal Singh;

And whereas by its notification No. 82/269/62, dated the 19th May, 1962, the Election Commission appointed Shri Roop Singh Rathore, District and Sessions Judge, Jhunjhunu, to be the Member of the Election Tribunal constituted for the trial of the said petition;

And whereas the said Shri Roop Singh Rathore, consequent on his transfer to Bikaner, has resigned the membership of the said Tribunal and a vacancy has accordingly occurred in the office of the Member of the Tribunal;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 86 and section 88 of the Representation of the People Act, 1951, the Election Commission hereby appoints Shri Mohammad Rafiq, District and Sessions Judge, Jhunjhunu, to fill the said vacancy and Jhunjhunu as the place where the trial of the said petition shall be held.

[No. 82/269/62.]

By order,

PRAKASH NARAIN, Secy.

New Delhi, the 23rd June, 1964.

S.O. 2279.—Whereas the election of Shri Rajendra Nath Barua as a member of the House of the People from Jorhat parliamentary constituency has been called in question by an election petition presented under Part VI of the Representation of the People Act, 1951, by Begum Mafida Ahmed, Jorhat, Assam;

And whereas the Election Tribunal constituted by the Election Commission by its notification No. 82/52/62, dated the 22nd May, 1962, with Shri R. Medhi, the

then District and Sessions Judge, Upper Assam Districts, Jorhat, as Member for the trial of the said petition, dismissed the petition by its order dated the 29th December, 1962;

And whereas the High Court of Judicature in Assam and Nagaland, has by its judgment dated the 25th March, 1964, set aside the said order of the Election Tribunal and ordered that the petition be remanded to the Tribunal for disposal in accordance with law;

And whereas consequent on his retirement from service, Shri R. Medhi has demitted the office of the member of the said Tribunal, and a vacancy has accordingly occurred in the office of the Member of the Tribunal;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 86 and section 88 of the said Act, the Election Commission hereby appoints Shri B. N. Sharma, District Judge, Upper Assam Districts Jorhat, to fill the said vacancy for the disposal of the said petition, and Jorhat as the place of trial.

[No. 82/52/62.]

By Order,

V. RAGHAVAN, Under Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 24th June, 1964.

S.O. 2280.—In exercise of the powers conferred by section 4 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby appoints Shri P. V. Apraim, Assistant Secretary to the Chief Commissioner, Andaman and Nicobar Islands, as the Conciliation Officer for mediating in and promoting the settlement of the industrial dispute relating to the retrenchment of seventy-two workmen, between the Principal Engineer, Andaman Public Works Department, Andaman and Nicobar Islands and the workmen working in the Maintenance Division of the Andaman Public Works Department.

[No. F. 21/41/64-ANL.]

J. N. GUPTA, Under Secy.

MINISTRY OF FINANCE

(Department of Expenditure)

New Delhi, the 25th June, 1964

S.O. 2281.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following amendment in the rules regulating the Workmen's Contributory Provident Fund as instituted with the Government of India, late Finance Department Resolution No. F. 33(3)-R.II/44, dated the 16th April, 1945, namely:—

In paragraph 1 of the said Resolution, after entry (viii), the following entries shall be inserted and shall be deemed to have been inserted with effect from the 1st day of March, 1959, 18th day of September, 1959 and 19th day of December, 1963 respectively, namely:—

- “(ix) Work-charged establishment of the Coal Mines Labour Welfare Fund;
- (x) Work-charged establishment of the Mica Mines Labour Welfare Fund;
- (xi) Work-charged establishment of the Exploratory Tube-Wells Organisation.”

[No. F. 12(2)-EV(B)/63.]

P. S. L. SARMA, Under Secy.

(Department of Economic Affairs)*New Delhi, the 20th June 1964*

S.O. 2282.—In pursuance of sub-section (1) of section 53 of the Reserve Bank of India Act, 1934 (2 of 1934) the Central Government is pleased to direct that, with effect from the 3rd July, 1964, the following amendments shall be made in the notification of the Government of India in the Ministry of Finance, Department of Economic Affairs, No. S.O. 1906 dated the 12th June, 1962, namely:—

In Form 'A' annexed to the said notification—

- (a) in the column relating to "Liabilities", after the item "National Agricultural Credit (Stabilisation) Fund", the following item shall be inserted, namely:—

"National Industrial Credit (Long-Term Operations) Fund"

- (b) in the column relating to "Assets", after the item "National Agricultural Credit (Stabilisation) Fund—Loans and Advances to State Co-operative Bank", the following item shall be inserted, namely:—

"National Industrial Credit (Long-Term Operations) Fund:

- (a) Loans and Advances to the Development Bank

- (b) Investment in bonds/debentures issued by the Development Bank."

[No. F.3(37)-BC/64.]

New Delhi, the 23rd June, 1964

S.O. 2283.—In exercise of the powers conferred by section 53 of the Banking Companies Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-clauses (i) and (ii) of clause (c) of sub-section (1) of section 10 of the said Act shall not apply and shall be deemed never to have applied to the Devkaran Nanjee Banking Co. Ltd., Bombay, in so far as the said provisions prohibit its Managing Director from being a director of the Export Credit and Guarantee Corporation of India Ltd., being a company registered under the Companies Act, 1956 (1 of 1956).

[No. F. 15(15)-BC/64.]

S.O. 2284.—In exercise of the powers conferred by section 53 of the Banking Companies Act, 1949 (10 of 1949) and Rule 16 of the Banking Companies Rules, 1949, the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 31 of the said Act and Rule 15 of the said Rules shall not apply to the undernoted banking companies in so far as they relate to the publication of their balance sheets and profit and loss accounts for the year ended the 31st December, 1963, together with the auditors' reports in a newspaper.

1. Liberal Bank Ltd., Parathode (Kanjirapally)
2. Trivandrum Permanent Bank Ltd., Trivandrum.

[No. F. 15(16)-BC/64.]

B. J. HEERJEE, Under Secy.

(Department of Economic Affairs)

New Delhi, the 26th June 1964

S.O. 2285.—Statement of the Affairs of the Reserve Bank of India, as on the 19th June 1964

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital paid up	5,00,00,000	Notes	26,39,13,000
Reserve Fund	80,00,00,000	Rupee Coin	4,16,000
National Agricultural Credit (Long Term Operations) Fund	73,00,00,000	Small Coin	3,21,000
		National Agricultural Credit (Long Term Operations) Fund	
		(a) Loans and Advances to :—	
National Agricultural Credit (Stabilisation) Fund	8,00,00,000	(i) State Governments	28,30,57,000
		(ii) State Co-operative Banks	8,65,02,000
		(iii) Central Land Mortgage Banks	
Deposits :—		(b) Investment in Central Land Mortgage Bank Debentures	4,08,83,000
(a) Government:		National Agricultural Credit (Stabilisation) Fund	
(i) Central Government	65,39,77,000	Loans and Advances to State Co-operative Banks
(ii) State Governments	14,84,43,000	Bills purchased and discounted:—	
(b) Banks:		(a) Internal
(i) Scheduled Banks	89,20,87,000	(b) External
(ii) State Co-operative Banks	2,43,48,000	(c) Government Treasury Bills	44,20,64,000
(iii) Other Banks	1,65,000	Balances Held Abroad*	7,38,77,000
(c) Others	160,61,24,000	Loans and Advances to Governments**	49,69,04,000
Bills Payable	39,37,70,000	Loans and Advances to :—	
Other Liabilities	75,62,85,000	(i) Scheduled Banks†	4,02,78,000
		(ii) State Co-operative Banks††	121,50,90,000
		(iii) Others	2,44,20,000
		Investments	284,02,09,000
		Other Assets	32,72,65,000
Rupees	613,51,99,000	Rupees	613,51,99,000

*Includes Cash and Short-term Securities.

**Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 1,67,15,000 advanced to scheduled banks against usance bills under section 17(4) (c) of the Reserve Bank of India Act.

†† Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

the 24th day of June, 1964.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 19th day of June 1964

ISSUE DEPARTMENT

LIABILITIES	Rs.	Ra.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	26,39,13,000		Gold Coin and Bullion :—		
Notes in circulation	2517,27,50,000		(a) Held in India	117,76,10,000	
Total Notes issued		2543,66,63,000	(b) Held outside India	
			Foreign Securities	93,45,69,000	
			TOTAL		221,21,79,000
			Rupee Coin		100,24,85,000
			Government of India Rupee Securities		2232,19,99,000
			Internal Bills of Exchange and other commercial paper
TOTAL LIABILITIES		2543,66,63,000	TOTAL ASSETS		2543,66,63,000

Dated the 24th day of June, 1964.

M. V. RANGACHARI,
Dy. Governor.

(No. F. 3(2)-BC/64.)

A. BAKSI, Jt. Secy.

(Department of Revenue and Company Law)

ESTATE DUTY

New Delhi, the 25th June 1964

S.O. 2286.—In exercise of the powers conferred by sub-section (2A) of section 4 of the Estate Duty Act, 1953 (34 of 1953), the Central Government hereby appoints Shri T. S. Kasturi, Assistant Commissioner of Income-tax as an Appellate Controller of Estate Duty with headquarters at Delhi and makes the following amendment in the Schedule to the Notification of the Government of India in the Ministry of Finance (Department of Revenue and Company Law) No. 35/F. No. 1/20/64-ED, dated the 22nd May, 1964, namely:—

In the Schedule to the said Notification, for the entry:—

"4. Shri S. N. Sen, Assistant Commissioner of Income-tax—Delhi",

the following entry shall be substituted, namely:—

"4. Shri T. S. Kasturi, Assistant Commissioner of Income-tax—Delhi".

[No. 44/F. No. 1/20/64-ED.]

V. RAMASWAMI IYER, Dy. Secy.

CENTRAL BOARD OF DIRECT TAXES

INCOME-TAX

New Delhi, the 22nd June, 1964.

S.O. 2287.—In exercise of the powers conferred by sub-section (1) of section 122 of the Income-tax Act, 1961 (43 of 1961) and in supersession of all previous notifications in this regard, the Central Board of Direct Taxes hereby directs that the Appellate Assistant Commissioners of Income-tax of the Ranges specified in column 1 of the schedule below shall perform their functions in respect of all persons and incomes assessed to income-tax or super-tax in the Income-tax Circles, Wards and Districts specified in the corresponding entry in column 2 thereof:—

SCHEDULE

Range	Income-tax Circles, Wards and Districts.
1	2
Trivandrum	1. Income Tax Circle, Trivandrum. 2. Salary Circle, Trivandrum. 3. Income Tax Circle, Quilon. 4. Income Tax Circle, Kottayam. 5. Income Tax Circle, Alleppey. 6. Income Tax Circle, Mattancherry. 7. Income Tax Circle, Alwaye. 8. Special Investigation Circle, Trivandrum. 9. Special Survey Circle, Ernakulam. (In respect of persons who have their principal place of business in or reside within the jurisdiction of the Income Tax Circles, mentioned above).
Ernakulam.	10. Companies Circle Ernakulam. 1. Income Tax Circle, Ernakulam. 2. Income Tax Circle, Trichur. 3. Special Investigation Circle, Trichur. 4. Income Tax Circle, Palghat. 5. Income Tax Circle, Calicut. 6. Income Tax Circle, Cannanore. 7. Estate Duty cum Income Tax circle, Ernakulam.

Range
1Income-tax Circles, Wards and Districts.
2

8. Special Survey Circle, Ernakulam (in respect of persons who have their principal place of business in or reside within the jurisdiction of the Income Tax Circles mentioned above).
9. Companies Circle, Calicut.

Where an Income-tax Circle, Ward or District or part thereof stands transferred by this notification from one Range to another Range, appeals arising out of assessments made in that Income-tax Circle, Ward or District or part thereof and pending immediately before the date of this notification before the Appellate Assistant Commissioner of Range from whom that Income-tax Circle, Ward or District or part thereof is transferred shall, from the date this notification shall take effect, be transferred to and dealt with by the Appellate Assistant Commissioner of the Range to whom the said Circle, Ward or District or part thereof is transferred.

Explanatory Note.

NOTE: The amendments have become necessary on account of the creation of 2 Companies Circles in the Appellate Ranges in the charge of the Commissioner of Income-tax, Kerala.

(This note does not form a part of the notification but is intended to be merely clarificatory).

[No. 42 (F. No. 50/9/64-ITJ.)]

J. RAMA IYER, Under Secy.

ESTATE DUTY

New Delhi, the 25th June 1964

S.O. 2288.—In exercise of the powers conferred by sub-section (2A) of section 4 of the Estate Duty Act, 1953 (34 of 1953) read with sub-section (2) of section 8 of the Central Boards of Revenue Act, 1963 (54 of 1963) and in supersession of its notification No. 39/F. No. 1/20/64-ED, dated the 22nd May, 1964, the Central Board of Direct Taxes hereby directs that Shri T. S. Kasturi, an Assistant Commissioner of Income-tax, appointed to be an Appellate Controller of Estate Duty by the notification of the Government of India, Ministry of Finance (Department of Revenue and Company Law) No. 44/F. No. 1/20/64-ED, dated the 25th June, 1964, shall perform the functions of an Appellate Controller of Estate Duty in respect of—

- (a) the estates of deceased persons assessed to estate duty on or after the 1st July, 1960, by an Assistant Controller of Estate Duty; and
- (b) the estates of deceased persons, in relation to which an appeal lies under section 82 of the Estate Duty Act, 1953, against an order passed on or after the 1st July, 1960, by an Assistant Controller of Estate Duty, where such Assistant Controller has in exercise of his functions under the Estate Duty Act, 1953 made such assessments or passed such orders—

- (i) in any area comprised within the jurisdiction of the Commissioners of Income-tax mentioned below:—

Commissioner of Income-tax, Delhi & Rajasthan.

Commissioner of Income-tax, Punjab, Jammu & Kashmir and Himachal Pradesh.

Commissioner of Income-tax, Uttar Pradesh.

Commissioner of Income-tax, Madhya Pradesh, Bhandara and Nagpur.

- (ii) in respect of any of the estates of the deceased persons who were being assessed to income-tax in the jurisdiction of the Commissioner of Income-tax, (Central), Delhi.

[No. 45/F. No. 1/20/64-ED.]

V. RAMASWAMI IYER, Secy.

OFFICE OF THE COLLECTOR OF CENTRAL EXCISE, PATNA**TRADE NOTICE.***Patna, the 17th June 1964*

S.O. 2289.—In pursuance of Government of India, Ministry of Finance (Department of Revenue and Company Law) New Delhi's letter F. No. 80/132/63-LC I dated 18th May, 1964, Border Check Post at SITAMARHI RAILWAY STATION falling in the District of Muzaffarpur (Bihar) on Indo-Nepal Border which was opened on the Indian side with the concurrence of the Central Board of Revenue, New Delhi, communicated *vide* their DO F. No. 80/1/60-LC I, dated 10th August, 1960, is hereby ordered to be closed down with immediate effect.

[No. 2-LC/1964.]

Sd./- Illegible

Collector, Central Excise, Patna.

MINISTRY OF INTERNATIONAL TRADE**(Office of the Jt. Chief Controller of Imports and Exports)****NOTICE.***Bombay, the 24th April 1964*

S.O. 2290.—It is hereby notified that in exercise of the powers conferred by Clause 9(a) of the Imports (Control) Order, 1955, the Government of India, in the Ministry of International Trade propose to treat as *ab-initio-void* the following licences which have been obtained by M/s. Neo Bharat Traders, Morar Bldg., Mody Street, Bombay-1 on the basis of forged and fabricated documentary evidence of exports unless sufficient cause against this is furnished to the Dy. Chief Controller of Imports and Exports, Bombay within ten days of the date of issue of this notice by the said M/s. Neo Bharat Traders, Morar Bldg., Mody Street, Bombay-1 or any bank or any other party, who may be interested in them:—

S. No.	Licence No. & Date	Value in Rs.	Item	I. T. C. S. No.	Area	Issued by
1.	P/EP/2238153 dt. 14. 10. 63.	24,900	Ivory unmanu- factured.	14-IV	GCA	Jt. CCI&E., Bombay.
2.	0.871943 dt. 28-8-63.	14,900	do.	do.	do.	do.

In view of what is stated above M/s. Neo Bharat Traders, Morar Building, Mody Street, Bombay-1 or any Bank or any other party, who may be interested in the said licences are hereby directed not to enter into any firm commitments against the said licences and return them immediately to the Deputy Chief Controller of Imports and Exports, Bombay.

[No. 1/83/64/CDN. II.]

N. BANERJI,

Dy. Chief Controller of Imports and Exports,
Bombay.**MINISTRY OF STEEL AND MINES****(Department of Mines & Metals)***New Delhi, the 27th June 1964*

S.O. 2291.—In exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), and of all other powers enabling it in this behalf, the Central Government hereby rescinds the notifications of the Government of India in the late Ministry of Mines and Fuel S.O. Nos. 2151, 2152 and 2153, dated the 9th July, 1962.

[No. C2-20(18)/62.]

S.O. 2292.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan of the area covered by this notification can be inspected at the office of the National Coal Development Corporation Limited (Revenue Section), Darbhanga House, Ranchi or at the Office of the Deputy Commissioner, Hazaribagh or at the Office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the lands mentioned in the said Schedule shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Revenue Officer of the National Coal Development Corporation Limited, Darbhanga House, Ranchi within ninety days from the date of publication of this notification.

SCHEDULE

RAMGARH BLOCK II EXTN

Sl. No.	Village	Thana	Thana No.	District	Area	Remarks
1	Kander . . .	Gumia	45	Hazaribagh		Part
2	Semarbera . . .	"	52	"		"
3	Barkidundi . . .	Mandu	180	"		"
4	Saraiya . . .	Ramgarh	119	"		"

Total area :—320.00 Acres (Approximately)
or 129.00 Hectares (Approximately)

BOUNDARY DESCRIPTION:—

A—B line passes through Village Barkidundi in thana Mandu and through village Saraiya (Damodar River) in thana Ramgarh and meets at point 'B'.

B—C line passes along the Southern boundary of Damodar River in village Saraiya and meets at point 'C'.

C—D line passes through village Saraiya (Damodar River) in thana Ramgarh and through village Semarbera in thana Gumia (which is part common boundary of Ramgarh Block II notified under section 7(1) of Coal Act vide S.O. No. 1282, dated 3rd April 1964) and meets at point 'D'.

D—A line passes through villages Semarbera, Kander in thana Gumia and through Village Barkidundi in thana Mandu and meets at point 'A'.

[No. C2-20(14)/64.]

ERRATA

New Delhi, the 27th June 1964

S.O. 2293.—In the notification of the Government of India, in the late Ministry of Steel Mines and Heavy Engineering (Department of Mines and Metals), S.O.

No. 1282, dated the 3rd April, 1964, published at pages 1505 to 1514 in the Part II, Section 3, Sub-section (ii) of the Gazette of India, dated the 11th April, 1964;

1. At page 1506—

- (i) in line 36, for "96(P)" read "46(P)";
- (ii) in line 40, for "529" read "526";
- (iii) in line 42, for "1439" read "1259";

2. At page 1507—

- (i) in lines 3 and 4, for "126, 134" read "126 to 134";
- (ii) in line 18, for "villages Semarbara and Jaharlong (Jaharlong)" read "villages Semarbera and Jaharlong (Jaharlong)";
- (iii) in line 29, for "2940" read "940";
- (iv) in line 30, for "1514" read "514";

3. At page 1508—

- (i) in line 43, for "Gumi" read "Gumia";
- (ii) in line 49, for "010 to 1014" read "1010 to 1014";
- (iii) in line 50, for "043(P)" read "1043(P)";

4. At page 1510—

- (i) in line 33, for "1202(P)" read "1302(P)";
- (ii)

5. At page 1511—

- (i) in lines 2 and 3, for "Rev 31/64" read "Rev/31/64";
- (ii) in line 7, for "Sub-Block J" read "Sub-Block 'J'";
- (iii) in line 20, for "68(P)" read "68";
- (iv) in line 31, for "729(P)" read "729";

6. At page 1512—

- (i) in line 2, for "1173(P)" read "1178(P)";
- (ii) in line 9, for "Saraiva" read "Saraiya";
- (iii) in line 13, for "113" read "111";
- (iv) in line 31, for "313, 383" read "315, 585";

7. At page 1513—

- (i) in line 1, for "1041, 1040" read "1041, 1097, 1040";
- (ii) in line 14, for "30-3-1964" read "20-3-1964";
- (iii) in line 34, for "3291 to 329" read "3291 to 3297";

8. At page 1514—

- (i) in line 1, for "23589" read "3589";
- (ii) in line 17, for "Lorhitongri" read "Lerhitongri".

[No. C2-20(6)/63.]

S.O. 2294.—In the notification of the Government of India, in the late Ministry of Steel, Mines and Heavy Engineering (Department of Mines and Metals) S.O. 1523, dated the 27th April, 1964, published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 9th May, 1964, at pages 1766 to 1768 at page 1767—

in the thirty-eighth line for "Monuan" read "Manuan".

[No. C2-20(10)/64.]

A. NABAR, Under Secy.

MINISTRY OF COMMERCE

(RUBBER CONTROL)

New Delhi, the 24th June, 1964.

S.O. 2295.—On return from leave, Shri T. V. Joseph resumed duty as Secretary, Rubber Board, Kottayam, on the forenoon of 1st June, 1964.

[No. F. 21(6) Plant(B)/64.]

S. BANERJEE, Dy. Secy.

MINISTRY OF INDUSTRY

(Indian Standards Institution)

New Delhi, the 22nd June 1964

S.O. 2296.—In pursuance of sub-regulation (1) of regulation 5 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1961, 1962 and 1964, the Indian Standards Institution hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed, have been cancelled.

THE SCHEDULE

Sl. No.	No. and Title of the Indian Standard cancelled	No. and date of the Gazette Notification in which establishment of the Indian Standard was notified
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- | | | |
|---|---|--|
| 1 | IS: 2433-1963 Specification for Seaworthy Packaging of Jute Products. | S.O. 2877 dated 27 September 1963 published in the Gazette of India, Part II, Section 3, Sub-section (ii) dated 12 October 1963. |
| 2 | IS: 2435-1963 Specification for Indian Hes-
sian | Do. |
| 3 | IS: 2436-1963 Specification for Heavy Cee
Jute Bags | Do. |
| 4 | IS: 2437-1963 Specification for Jute Corn
Sacks | Do. |

[No. MD/13:7]

S.O. 2297.—In pursuance of sub-regulations (2) and (3) of regulation 3 of the Indian Standard Institution (Certification Marks) Regulations, 1955, as amended in 1961, 1962 and 1964 the Indian Standards Institution hereby notifies that the Indian Standard(s), particulars of which are given in the Schedule hereto annexed, have been established during the period 5 June to 21 June 1964.

THE SCHEDULE

Sl. No.	No. and Title of the Indian Standard Established	No. and Title of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Brief Particulars
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(1)	(2)	(3)	(4)
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- | | | | |
|---|---|---|--|
| 1 | IS: 207-1964 Specification for Gate and Shutter Hooks and Eyes (<i>Revised</i>) | IS: 207-1950 Specification for Gate and Shutter Hooks and Eyes (<i>Tentative</i>) | This Standard lays down the requirements for gate and shutter hooks and eyes which are commonly used on doors and windows for keeping them in position when kept open. (Price Rs. 2-00). |
|---|---|---|--|

(1)	(2)	(3)	(4)
2	IS : 335-1963 Specification for Insulating Oil for Transformers and Switchgear (<i>Revised</i>)	IS : 335-1953 Specification for Insulating Oil for Transformers and Switchgear (Low viscosity Type)	This Standard specifies the requirements and methods of test for insulating oil, low viscosity type, used in transformers, switchgear, motor controlgear and other electrical equipment where oil is used either as an insulating medium or for heat transfer (Price Rs. 5.50).
3	IS : 593-1964 Specification for Salt for Hide-curing (Wet-Salting) (<i>Revised</i>)	IS : 593-1954 Specification for Common Salt for Hide Curing	This standard prescribes the requirements and the methods of sampling and test for salt for hide curing wet salting) (Price Rs. 3.50).
4	IS : 2176-1962 Method for Quantitative Chemical Analysis of Binary Mixtures of Secondary Cellulose Acetate and certain other Fibres.	..	This standard prescribes a method for the quantitative chemical analysis of binary mixtures in any textile form, such as fibre, yarn or fabric, of secondary cellulose acetate with cotton, wool, cultivated silk, regenerated cellulose, regenerated protein, polyamide, polyethylene terephthalate, polyacrylonitrile or glass. (Price Rs. 1.50).
5	IS : 2467-1963 Notation for Toothed Gearing.	..	This standard covers the symbols for main geometrical data of toothed gearing, for the definitions of which reference should be made to *IS: 2458- Glossary of Terms for Toothed Gearing. *Under preparation (Price Rs. 1.50).
6	IS : 2504-1964 Specification for Hand-Operated Cheese Press (Vertical)	..	This standard prescribes the requirements for a single-row, hand-operated, vertical cheese press. (Price 1.50).
7	IS : 2597 (Part I)-1964 Code of Practice for the use of Electronic Valves Part-I Commercial Receiving Valves.	..	This standard (Part I) covers recommendations for use of commercial receiving valves. (Price 5.00)
8	IS : 2611-1964 Specification for Carbon chromium Molybdenum Steel Forgings for High Temperature Service	..	This standard covers the requirements of carbon chromium molybdenum steel forgings for use up to a maximum steam temperature of 565°C (Price Rs. 2.00)
9	IS : 2627-1963 Glossary of Terms Relating to Liquid-In-Glass Thermometers.	..	This standard gives the terms and definitions relating to liquid-in-glass thermometers. (Price Re. 1.00).
10	IS : 2634-1964 Specification for Helical Springs for Automatic Suspension	..	This standard covers general requirements for helical compression springs made from

(1)	(2)	(3)	(4)
			plain carbon and alloy-steel bars which are coiled hot and are heat-treated after coiling for use in automobile suspension (Price Rs. 2.00).
11 IS : 2635-1964 Specification for DC Electric Welding Generators	..		This standard lays down the requirements, tests and service conditions for DC arc welding (rotary) generator for hand-welding single-operator type having rated output up to 600 A and with windings with Class A, E, or B insulation for further details (See IS : 1271-1958 Classification of Insulating Materials for Electrical Machinery and Apparatus in Relation to Their Thermal Stability in Service). Generators covered by this standard are assigned ratings on the basis of duty cycle. (Price Rs. 4.50).
12 IS : 2636-1964 Specification for Wing Nuts	..		This standard gives requirements for wing nuts for the sizes M2 to M24. (Price Rs. 1.50).
13 IS : 2645-1964 Specification for Integral Cement Waterproofing Compounds.	..		This standard covers the requirements for integral cement waterproofing compounds which shall be assessed by : (a) the permeability to water of specimens made from cement-sand mortars with and without the addition of the waterproofing compound under test, by measuring the percolation of water through standard cylindrical specimens, and (b) the physical tests of setting time and compressive strengths of cement mixed with the recommended proportions of the waterproofing compounds by comparing with similar tests on the same cement without the addition of the compounds. (Price Rs. 2.00).
14 IS : 2646-1964 Specification for Generators (Dynamos) for Automobiles	..		This standard covers the basic mechanical and electrical requirements and methods of test for 6—, 12— and 24— volt generators (dynamos) for automobiles. (Price Rs. 3.00)

(1)	(2)	(3)	(4)
15	IS : 2647-1964 Specification for Cheese Mill	..	This standard prescribes the requirements for power driven cheese mill. (Price Rs. 1.50)
16	IS : 2648-1964 Specification for Pipe Washing and Sterilizing Chest	..	This standard prescribes the general requirements for pipe washing and sterilizing chests of two sizes, one for pipes not exceeding 2 metres in length, and other for pipes not exceeding 2.5 metres in length (Price Rs. 2.00)
17	IS : 2649-1964 Specification for Hand-Operated Butter Worker	..	This standard prescribes the requirements for hand-operated butter worker suitable for removing excess moisture from butter and for distributing the desired quantity of moisture and salt uniformly throughout the butter. This standard covers two sizes of butter worker, size 1 (to handle 10 kg of butter at a time, and size 2 to handle 20 kg of butter at a time.) (Price Rs. 2.00).
18	IS : 2665-1964 Specification for Cadmium Copper Wire for Telegraph and Telephone Purposes.	..	This specification covers the requirements and tests for cadmium copper wire for telegraph and telephone purposes. (Price Rs 2.00).

Copies of these Indian Standards are available, for sale, with the Indian Standards Institution, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-1 and also at its branch offices (i) 232, Dr. Dadabhai Naoroji Road, Bombay-1, (ii) Third Floor, 11 Sooterkin Street, Calcutta-13 (iii), 2nd Floor, Sathyamurthi Bhavan, 54 General Patters Road, Madras-2 and (iv) 14/69 Civil Lines, Kanpur.

[No. MD/13:2]

D. V. KARMARKAR,

Ag. Joint Director.

MINISTRY OF INDUSTRY AND SUPPLY

ORDER

New Delhi, the 27th June 1964

S.O. 2298/IDRA/6/9.—In exercise of the powers conferred by Section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) read with rules 5(1) and 8 of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints, till the 18th July, 1965, Shri F. Gallati, to be a member of the Development Council established by the Order of the Government of India in the late Ministry of Commerce and Industry No. S.O. 2077 dated the 19th July, 1963, for the scheduled industries engaged in the manufacture or production of internal combustion engines, power driven pumps, air compressors

and blowers and directs that the following amendment shall be made in the said Order, namely:—

In the said Order for entry No. 9 relating to Shri M. K. Swami, the following entry shall be substituted, namely:—

9. Shri F. Gallati,
Technical Director,
M/s. SLM—Maneklal Industries (Private) Ltd.,
Bombay.

[No. 1(8)/Dev. Council/63.]

S. P. KRISHNAMURTHY, Under Secy.

MINISTRY OF HEALTH

New Delhi, the 27th June 1964

In the matter of Charitable Endowments Act, 1890 and in the matter of "The Lady Harding Hospital for Women and Children, Delhi, Fund".

S.O. 2299.—On the application of and with the concurrence of the Board of Administration for "Lady Harding Hospital for Women and Children, Delhi, Fund" and in exercise of the powers conferred on it by section 4 of the Charitable Endowments Act, 1890 (6 of 1890), the Central Government doth hereby order and direct that the sum of Rs. 3,00,000 (Rupees three lakhs) only relating to the Employees' Provident Fund Account and invested in National Defence Certificates, shall vest in the Treasurer of Charitable Endowments for India.

[No. F.4-24/64-ME.]

B. B. L. BHARADWAJ, Under Secy.

MINISTRY OF FOOD AND AGRICULTURE

(Department of Agriculture)

New Delhi, the 22nd June, 1964.

S.O. 2300.—In exercise of the powers conferred by the proviso to article 309, of the Constitution, the President hereby makes the following rules to amend the General Central Services Class I and Class II Posts (Central Mechanised Farm, Suratgarh) Recruitment Rules, 1959, namely:—

1. These rules may be called the General Central Services Class I and Class II Posts (Central Mechanised Farm, Suratgarh) Recruitment (Amendment) Rules, 1964.

2. In the General Central Services Class I and Class II Posts (Central Mechanised Farm, Suratgarh) Recruitment Rules, 1959—

(i) in the proviso to rule 4, the words "Displaced persons" shall be omitted;

(ii) for rule 5, the following rule shall be substituted, namely:—

"5. *Disqualification:*

- (a) No person who has more than one wife living or who having a spouse living, marries in any case in which such marriage is void by reason of its taking place during the life time of such spouse, shall be eligible for appointment to any of the said posts; and

- (b) No women whose marriage is void by reason of the husband having a wife living at the time of such marriage or who has married a person who has a wife living at the time of such marriage shall be eligible for appointment to any of the said posts:

Provided that the Central Government may, if it is satisfied that there are special grounds for doing so, exempt any person from the operation of this rule.”;

(iii) in the Schedule, after item 7 and the entries relating thereto, the follow-

1	2	3	4	5	6
8. Veterinary Officer	1	G.C.S. Class II (Gazetted) (Non-Minister- ial)	Rs. 350—25—500—30— 590—EB—30—800— EB—30—830—35— 900.	N.A.	40 years and below. (Relaxa- ble for Govern- ment servant).

ing item and entries shall be inserted, namely:—

7	8	9	10	11	12	13
<i>Essential:</i>						
(i) Degree or Diploma in Veterinary Science from a recognised University/Institution.	N.A.*	Two years.	Direct Recruitment	N.A.	N.A.	As required under the rules."
(ii) Post Graduate training in Animal/Dairy Husbandry.						
(iii) About five years experience in a responsible capacity in a large Dairy Cattle Farm. Qualifications relaxable at Commission's discretion in case of candidates otherwise well qualified.						
<i>Desirable :</i>						
Experience in Poultry Farming.						

[No. 8-16/63-FR. 973.]

A. C. JAIN, Under Secy.

(Department of Agriculture)

New Delhi, the 24th June 1964

S.O. 2301.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the Indian Agricultural Research Institute (Class III) Recruitment Rules, 1961, namely:—

1. These rules may be called the Indian Agricultural Research Institute (Class III) Recruitment (Amendment) Rules, 1964.
2. In the Schedule to the Indian Agricultural Research Institute (Class III) Recruitment Rules, 1961, against item No. 22 relating to the post of Technical Assistant (Library Information Service), in column 8 for the existing entries the following entries shall be substituted, namely:—

"Essential.—A degree in Science.

Desirable:—

- (i) Diploma in Library Science.
- (ii) About 2 years experience of work in a Library".

[No. 21-153/58-Instt. I.]

R. M. L. VAISH, Under Secy.

(Department of Agriculture)

New Delhi, the 26th June 1964

S.O. 2302.—In exercise of the powers conferred by Section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), the Central Government hereby makes the following rules, the same having been previously published as required by the said Section, namely:—

THE POPPY SEEDS GRADING AND MARKING RULES, 1964.

1. **Short title and application.**—(i) These rules may be called the Poppy seeds Grading and Marking Rules, 1964.

(2) They shall apply to poppy seeds (*Papaver Somniferum*) produced in India.

2. **Definitions.**—In these rules—(1) "Agricultural Marketing Adviser" means the Agricultural Marketing Adviser to the Government of India;

(2) 'Schedule' means a Schedule appended to these rules.

3. **Grade designation.**—The grade designations to indicate the quality of poppy seeds shall be as set out in column 1 of Schedule II.

4. **Definition of Quality.**—The quality indicated by the respective grade designations shall be as set out against each grade designation in columns 2 to 4 of Schedule II.

5. **Grade Designation Mark.**—The grade designation mark shall consist of a label specifying the grade designation and bearing a design (consisting of an outline map of India with the word 'AGMARK' and the figure of the rising sun, with the words 'Produce of India' and ' भारतीय उत्पाद ' resembling the one as set out in Schedule I.

6. **Methods of Marking.**—(1) The grade designation mark shall be securely affixed to each container in a manner approved by the Agricultural Marketing Adviser and shall clearly show the following particulars—

- (a) Grade designation.
- (b) Variety of trade name.
- (c) Net weight.
- (d) Date of packing.

(2) An authorised packer may, after obtaining the prior approval of the Agricultural Marketing Adviser, mark his private trade mark on a container, in a manner approved by the said officer, provided that the private trade mark does not represent the quality or grade of poppy seeds different from that indicated

by the grade designation mark affixed to the container in accordance with these rules.

7. Method of Packing.—(1) Only sound, clean and dry containers made of jute, cloth, paper, polythene or tin shall be used for packing. They shall be free from any insect infestation or fungus contamination and also free from any undesirable smell.

(2) The containers shall be securely closed and sealed in such manner as may be prescribed by the Agricultural Marketing Adviser.

(3) Each package shall contain poppy seeds of one grade designation only.

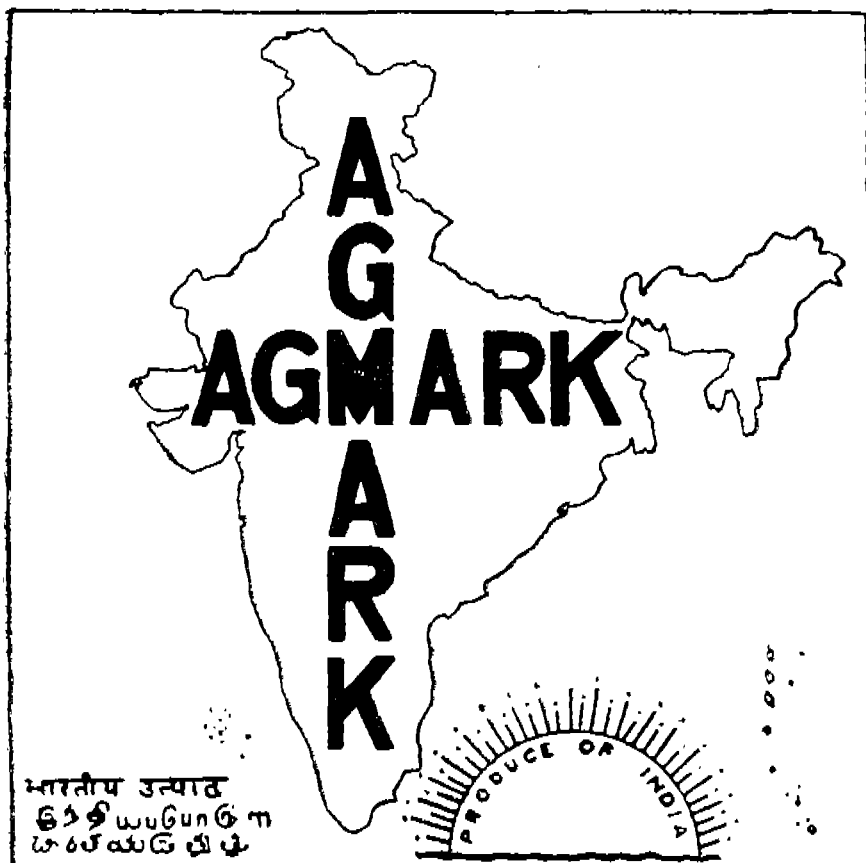
8. Special conditions of Certificate of Authorisation.—In addition to the conditions specified in rule 4 of the General Grading and Marking Rules, 1937, the following special conditions shall be observed by the packers to the satisfaction of Agricultural Marketing Adviser:—

- (1) An authorised packer shall make such arrangements for testing poppy seeds as may be prescribed from time to time by the Agricultural Marketing Adviser.
- (2) An authorised packer shall provide all facilities to the Inspecting Officers duly authorised by the Agricultural Marketing Adviser in this behalf, for sampling, testing and such other matters as may be necessary.

SCHEDULE I

(See rule 5)

Design for the Grade designation mark.



NOTE.—The Tamil and Telugu words will not occur in the labels in case where commodities are graded for the purpose of export.

SCHEDULE II

(See rules 3 and 4)

Grade designations and definition of quality of *Poppy-seeds* produced in India

Grade designation	Special Characteristics		General Characteristics
	Maximum limits of tolerance		
	Foreign matter percentage (By weight)	Admixture of other seeds percentage (by weight)	
1	2	3	4
Grade I	1.5	0.5	Poppy-seeds shall—
Grade II	3.0	1.0	(a) be the dried mature seeds of <i>Papaver Somniferum</i> , (b) have uniform size, shape and colour, (c) be hard, clean, wholesome and free from moulds, weevils, obnoxious smell, discolouration, admixture of deleterious substances and all other impurities except to the extent indicated in the schedule, (d) be in sound merchantable condition, (e) not have moisture exceeding 11.0 percent.

NOTE:— (1) Foreign matter includes dust, dirt, stone, lumps of earth, chaff, stem or straw and any other vegetable matter or impurity.

(2) Admixture of other seeds : includes admixture of harmless foreign seeds.

[No. F. 17-27/63-AM]

R. R. GUPTA, Under Secy

MINISTRY OF TRANSPORT

(Transport Wing)

New Delhi the 22nd June 1964

S.O. 2303.—In pursuance of rule 28 of the Motor Vehicles (Third Party Insurance) Rules, 1946, the Central Government hereby publishes the following list of foreign insurers, namely:—

The List

S. No.	Name of foreign insurer	Name of guarantor
1	Afghan Insurance Company of Kabul, Afghanistan.	Guardian Assurance Company Limited, Calcutta.

[No. 27-T(5)/64.]

K. SRINIVASAN, Dy. Secy.

(Transport Wing)

New Delhi, the 26th June 1964

S.O. 2304.—In exercise of the powers conferred by sub-section (1) of section 218 of the Merchant Shipping Act, 1958 (44 of 1958), read with rules 3 and 4 of the National Welfare Board for Seafarers Rules, 1963, the Central Government hereby makes the following further amendment in the Notification of the Government of India in the Ministry of Transport (Transport Wing) No. S.O. 3482, dated the 13th December, 1963, namely:—

In the said Notification for entry 38 the following entry shall be substituted, namely:—

"38. **Shri S. K. Kumarhia,**
Principal Officer,
Mercantile Marine Department,
CALCUTTA.
CALCUTTA.

Representative
of Societies
interested in
the welfare of
seamen."

[No. 6-MT(64)/62.]

D. S. NIM, Dy. Secy.

DEPARTMENT OF POSTS AND TELEGRAPHS**(Posts and Telegraphs Board)**

New Delhi, the 22nd June 1964

S.O. 2305.—In exercise of the powers conferred by the proviso to article 309 of the Constitution the President hereby makes the following rules for recruitment to the Posts of Nurses (Non-resident), in the Posts and Telegraphs Department, namely:—

1. Short Title and Application.—(1) These rules may be called the Posts and Telegraphs Nurses (Non-resident) Recruitment Rules 1964.

(2) These rules shall apply in respect of recruitment to the posts specified in column (1) of the Schedule annexed to these rules.

2. Classification, scale of pay, etc.—The classification of the said post, the scale of pay attached thereto, the method of recruitment, age limit, qualifications and other matters connected therewith shall be as specified in columns (2) to (9) of the said Schedule:

Provided that the upper age limit prescribed for direct recruitment may be relaxed in the case of Scheduled Castes and Scheduled Tribes and other special categories of persons in accordance with the general orders of the Central Government, issued from time to time.

3. Disqualification.—(a) No person, who has more than one wife living or who having a spouse living, marries in any case in which such marriage is void by reason of its taking place during the life-time of such spouse, shall be eligible for appointment to the said post; and

(b) No woman whose marriage is void by reason of the husband having a wife living at the time of such marriage or who has married a person who has already a wife living at the time of such marriage shall be eligible for appointment to the said post:

Provided that the Central Government may, if satisfied that there are special grounds for so ordering, exempt any person from the operation of this rule.

THE SCHEDULE

Name of the post	Classification	Scale of pay	Method of recruitment whether by direct recruitment or by promotion and percentage of vacancies to be filled by various methods	Age limits	Educational and other qualifications required	Period of probation or trial if any	Scope of Service	Composition of Selection Board
1	2	3	4	5	6	7	8	9
Nurse (Non-resident).	Class III Non-gazetted Non-ministerial.	Rs. 125-3-131-4-155.	By direct recruitment through the Employment Exchange, and if no suitable candidates are available from the Employment Exchange, the posts should be filled by open advertisement.	18-35 yrs. on 1st January of the year of recruitment.	The candidates besides being Matriculates should be qualified and registered Nurses with at least 2 years' experience in general nursing.	Two yrs.	For service at the particular dispensary for which recruited but liable to be posted anywhere in India, if exigencies of service so require.	(1) Appointing authority. (2) Doctor-in-Charge of dispensary concerned. (3) Any Officer nominated by the Head of the Posts and Telegraphs Circle/Telephone District concerned, it being open to him to nominate a State Government Medical Officer in consultation with the State Director of Health Services.

[No. 68/1/63-NCG.]

A. BHATTACHARJEE,
Assistant Director General (STN).

MINISTRY OF IRRIGATION & POWER

ORDER

New Delhi, the 20th June 1964

S.O. 2306.—In exercise of the powers conferred by sub-rule (2) of Rule 133 of the Indian Electricity Rules, 1956, the Central Government hereby directs that the provisions of—

- (i) Rule 118 (a),
- (ii) Rule 119 (1) (a),
- (iii) Rule 118 (c),
- (iv) Rule 130 and
- (v) Rule 123 (7)

of the said Rules shall be relaxed in respect of the use of the following apparatus in conjunction with one 3.3 KV Russian Electric Excavator, Model EKG-4, Serial No. 1/E-413:

- One 100 Amps 3.3 KV Oil Circuit Breaker without fitted with any overload protection made in U.S.S.R. Serial No. 119
- One 250 H.P. 3.3 KV U.S.S.R. make Motor. Serial No. 136300
- One 30 KVA 3.3 KV/230 Volts 3 phase Star/Star transformer, neutral of 230 Volts insulated, type TM3 30/6T. Serial No. 782752
- One length of 330 metres, 6000 Volts grade, four core 3×25 sq. m.m.— 1×10 sq. m.m. ground conductor not armoured with individual screen of sufficient current capacity made in U.S.S.R. Russian standard—Gost 9388-60 flexible trailing cable with one 400 Amps 3.3 KV C.T. Ratio 100/5 long and Crawford Oil Circuit Breaker. Serial No. 621672

in Kathara Open Cast Mine of Kathara Colliery of M/s. National Coal Development Corporation Limited to the extent that (1) in relaxation of rule 118(a), the portable motor driving generator set in the shovel may be used at 3.3 KV, (2) in relaxation of rule 119 (1) (a), one 30 KVA 3.3 KV/230 Volts 3 phase Star/Star Transformer with its associated equipment using energy at high voltage may not be fixed apparatus as being installed on the portable shovel moving from place to place, the same have a portable sense, (3) in relaxation of Rule 118(c), the 125 Volts system of supply intended for use for lighting purposes within the shovel from 30 KVA 3.3 KV/230 Volts 3 phase transformer, the transformer having the neutral of the secondary insulated and as such the voltage of the system being obtained between a phase and insulated neutral and not between phases as contemplated in rule 118(c), the 125 Volts system of supply is specially considered and may be used, (4) in relaxation of rule 130, the neutral point of 30 KVA 3.3 KV/230 Volts 3 phase transformer may remain insulated, and (5) in relaxation of rule 123(7), the flexible cable not exceeding 330 metres in length may be used with the portable machine and that the relaxation shall be subject to the following conditions:

1. The 3.3 KV supply to the flexible cable should be provided with earth leakage protection.
2. The over current trips of the circuit breaker controlling 3.3 KV supply to the flexible cable shall be in keeping with the rating of the 3.3 KV motor driving the generator set, installed in the portable machine.
3. The installation and wirings inside the shovel shall comply with the relevant provisions of the Indian Electricity Rules, 1956, in particular, Rules 115-117, 121, 124 and 125.
4. The flexible trailing cable should be connected to the electric supply system and the machine by properly constructed connector boxes or totally enclosed safe attachments.
5. The Excavating Machine alongwith the flexible trailing cable shall be worked and handled with due care so as to avoid danger arising out of any electrical defect or in the use. The insulation resistance of the high voltage circuit including the driving motor, shall at no time be less than 10 megohms.
6. The operators of the Shovel shall be trained and authorised for operating the shovel with competency and due care to avoid danger.
7. The unarmoured flexible trailing cable supplied by the manufacturers shall be replaced by pliable armoured flexible cable of adequate

current carrying capacity at an early date under intimation to the Central Government through the Electrical Inspector of Mines.

Provided that the aforesaid relaxation shall be valid for such time as the said machine is in use in the mine and due information shall be given to the Central Government through the Electrical Inspector of Mines as soon as the machine is taken out of the mine.

[No. EL. II-5(7)63.]

G. C. MITROO, Dy. Secy.

MINISTRY OF EDUCATION

CORRIGENDUM

ARCHAEOLOGY

New Delhi, the 24th June 1964

S.O. 2307.—In the schedule to the notification published as S.O. No. 1476, on page 1712 to 1714 in Part II, Section 3(ii) of the Gazette of India dated the 2nd May, 1964, the following correction is notified:—

In column 9, under the heading "Boundaries", for the words "West:—Remaining portion of survey plot No. 535" substitute "West:— Remaining portion of survey plot No. 534".

[No. F. 4-33/63. C. 1.]

L. W. DHUME, Dy. Secy.

MINISTRY OF REHABILITATION

(Office of the Chief Settlement Commissioner)

New Delhi, the 27th June 1964

S.O. 2308.—In exercise of the powers conferred by Sub-Section (i) of Section 6 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950) the Central Government hereby appoints for the States of Bihar and Orissa, Shri Goswami Harjiwan Lal, Managing Officer under the Regional Settlement Commissioner, Uttar Pradesh, Lucknow as Assistant Custodian for the purpose of discharging the duties imposed on Custodian by or under the said Act with effect from 22nd May, 1964.

[No. 4(19)Admn.Gaz/64.]

S.O. 2309.—In exercise of the powers conferred by Clause (a) of Sub-Section (2) of Section 16 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (No. 44 of 1954), the Central Government hereby appoints for the States of Bihar and Orissa, Shri Goswami Harjiwan Lal, Managing Officer, in the office of the Regional Settlement Commissioner, Uttar Pradesh as Managing Officer for the custody, management and disposal of Compensation Pool with effect from the 22nd May 1964.

[No. 4(19)A-Gaz/64.]

KANWAR BAHADUR, Settlement Commissioner (A) &
Ex-Officio Dy. Secy.

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 24th June 1964

S.O. 2310.—In exercise of the powers conferred by Section 5(1) of the Cinematograph Act, 1952, and sub-rule (3) of rule 9 read with sub-rule (2) of rule 9 and sub-rule (3) of rule 8 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby re-appoints the following persons, after consultation with the Central Board of Film Censors, as members of the Advisory Panel of the said Board at Calcutta with immediate effect:

1. Shrimati Mira Gupta.
2. Shri Pulinbihari Sen.

[No. F. 11/3/62-FC.]

H. N. AGARWAL, Dy. Secy.

MINISTRY OF LABOUR AND EMPLOYMENT*New Delhi, the 25th June 1964*

S.O. 2311.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay in the industrial dispute between the employers in relation to the Bombay Port Trust and their workmen which was received by the Central Government on the 19th June, 1964.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT BOMBAY**REFERENCE No. C.G.I.T. 34 OF 1963****Employers in relation to the Bombay Port Trust****AND****Their Workmen****PRESENT:****Shri Salim M. Merchant,—Presiding Officer.***For the Bombay Port Trust.*—**Shri M. R. S. Captain, Legal Adviser, with Shri R. K. Shetty, Deputy Legal Adviser.***For the Transport and Dock Workers Union.*—**Shri S. R. Kulkarni, and Shri W. T. Pinto, Secretaries.***For the B. P. T. General Workers' Union.*—**Shri S. Maitra, General Secretary.***Dated at Bombay the 18th day of June, 1964.***INDUSTRY:** Major Port.**STATE:** Maharashtra.**AWARD**

On a joint application dated 8th July, 1963, of the Bombay Port Trust and the Transport and Dock Workers' Union, the Central Government, by the Ministry of Labour and Employment's Order No. 28/50/63-LRIV, dated 29th August, 1963, made in exercise of the powers conferred by Sub-section 2 of section 10 of the Industrial Disputes Act, 1947, (Act XIV of 1947), was pleased to refer the industrial dispute, in respect of the following subject matters, to me for adjudication:

"Whether tally clerks transferred or appointed as Clerks Grade II, the revised scale of pay of both the posts being identical, should continue to get an additional increment on such transfer or appointment as in the past when the scale of pay of clerks Grade II was higher than the tally clerk's scale of pay".

After the reference was made, the Secretary, Transport and Dock Worker's Union filed the statement of claim dated 18th September, 1963, to which the Bombay Port Trust filed its reply dated 19th November, 1963. The B.P.T. General Workers' Union filed its statement of claim on 7th December, 1963, to which the Bombay Port Trust filed its reply dated 20th January, 1964. The hearing of the dispute concluded on 4th June, 1964.

2. Before dealing with the dispute on its merits, it is first necessary to consider the exact scope of the terms of references as there has been some controversy between the parties with regard to it. The terms of reference are, without doubt, inartistically drawn up, and the B. P. T. General Workers' Union made a complaint that the subject matter of the dispute as drawn up by the Bombay Port Trust had not clearly specified the dispute intended to be referred to the Tribunal. Be that as it may, after hearing the submissions of the parties I am of the opinion that question referred for adjudication is whether Tally Clerks transferred or appointed as Grade II Clerks in the new scale of pay for Grade II Clerks (which is the same as for tally clerks) recommended by the committee for the classification and categorisation of Class III and Class IV employees of Major Ports (hereinafter referred to as the C. C. Committee) are entitled to get one increment in the revised scale as before when the scale of pay for clerks Grade II was higher than for Tally Clerks. In other words, the short question referred for adjudication is whether the Tally Clerks appointed as Grade II Clerks, after the scales of pay for both posts have become identical under the C. C. Committee's recommendations are entitled to an additional increment as before.

3. It is admitted that prior to the C. C. Committee's report upto 30th September, 1957, the scale of pay for tally clerks was Rs. 55-3-85-EB-4-125 and for Clerks Grade II the scale of pay was Rs. 55-5-90-EB-6-144. The C. C. Committee made its report to the Government dated 28th May, 1961, and under the terms of its reference by agreement the recommended scales of pay were to be applied retrospectively from 1st October, 1957. The C. C. Committee recommended a common scale of pay for both the Tally Clerks and Grade II Clerks *viz.* Rs. 60-4-120-EB-5-150. I may pause here to say that the C. C. Committee was constituted by the Ministry of Transport and Communications (Deptt. of Transport) to undertake the work of classification and categorisation of Class III and Class IV posts in the major ports of Bombay, Calcutta, Madras, Cochin, Kandla and Vizakhapatnam and to fix them into one or the other scales of pay stated in the schedule annexed to its Resolution No. 23-PLA(91)/58, dated 23rd August, 1958, (published in the Gazette of India Extraordinary Part I Section I No. 84A dated August 25, 1958), of the Government of India in the Ministry of Transport and Communications (Department of Transport) by which the Committee was constituted. The task of the committee was to examine the duties and responsibilities of the various posts and fix them into one or other of the scales of pay given in the said schedule.

4. The Bombay Port Trust accepted the recommendations of the C. C. Committee with regard to the Tally Clerks and Grade II Clerks' pay. By their resolution No. 1091, dated 27th November, 1962, in considering the cases of the tally clerks, who had been appointed as Grade II Clerks, either in a substantive or in an officiating capacity, between the 1st of October, 1957, and 30th November, 1961, the Trustees noted that in accordance with the procedures then in force such appointments were treated under Article 17(a) (i) of the Digest of Pay and Allowance, Leave and Pension Rules (9th edition), as involving the assumption of duties and responsibilities of greater importance and the pay of the men concerned was fixed at the stage of the relevant time scale next above their substantive pay as tally clerks. The Chairman in his note stated:—

"In view of the assessment made by the C. C. Committee of the relative importance of the duties and responsibilities shouldered by the two categories in question, it became necessary for us to hold that the appointments of a Tally Clerk as Clerk Grade II was not a promotion in full and strict sense of the term but merely a transfer from one post to another post carrying an identical C. C. C. scale of pay".

The Trustees were, therefore, of the opinion that the Tally Clerks who during the period of 1st October, 1957, to 30th November, 1961, had been appointed as Clerks Grade II became ineligible for a pay higher than that to which they were entitled in the posts of Tally Clerks previously held by them; that all that the tally clerks are entitled to as Clerk Grade II is the pay drawn by them as tally clerks and this held good not only for those who had opted for the C. C. Committee's scales of Rs. 60-4-120-EB-5-150, but also for those who chose to remain on the pre-C. C. Committee's scale of Rs. 55-5-90-EB-6-144 applicable to clerks Grade II; that whenever the employees had complained that they had suffered a loss in pay and allowance by opting for the C. C. Committee's scales, the administration had taken the view that they were not compelled to come on those scales and that it was open to them to remain on the pre-C. C. C. scales, should they find it advantageous to do so. However, as in the present case the Tally Clerks who were appointed as clerks Grade II between 1st October, 1957 and 30th November, 1961, could not avert the reduction in pay by electing to remain on the pre-C. C. C. scale of Rs. 55-144, on reconsideration of the matter, the Chairman felt that the implementation of the C. C. C.'s scales in the case of the Tally Clerks, who were appointed as Clerks Grade II between the 1st October, 1957, and 30th November, 1961, had entailed a genuine hardship to them and that this is the direct outcome of the Administration having treated, and that too retrospectively over a period of more than four years, as mere transfers from one post to another post what in fact were regarded as promotions at the material time. Nor could the situation be met by granting on 1st December, 1961, to the men concerned a personal pay. In order to overcome this the Trustees resolved to allow the Tally Clerks who were appointed between 1st October, 1957, to 30th November, 1961, as Clerks Grade II whether in a substantive or in an officiating capacity, to retain as a personal concession, the benefit of Article 17(a)(i) of the Digest, for the purpose of pay fixation whether in the pre-C.C.C. scale or in the C.C.C. scale or in the relative successor scales in force from 1st July, 1959, notwithstanding the fact that the appointments were merely transfers. In the case of the tally clerks appointed as Clerks Grade II on or after 1st December, 1961, the Trustees resolved perforce to apply the provisions of Article 17(a)(ii) of the Digest 9th Edition.

5. Now, on the basis of this resolution what the Bombay Port Trust has argued is that after the C. C. Committee's Report, by which the Tally Clerks and Clerks Grade II have been put on a common scale of pay, the appointment of a Tally Clerk to the post of Grade II Clerk is no longer a promotion but is merely a transfer and, therefore, the tally clerks would not be entitled to the benefit of one increment to which they were entitled to previously under Article 17(a) (i) of the Digest of Pay and Allowances (9th Edition).

6. On the other hand, both the Unions have contended that after the common scales of pay were prescribed for Tally Clerks and Grade II Clerks, their duties and responsibilities had continued to be different; that even now Grade II Clerks continue to discharge more responsible duties and that the appointment of a Tally Clerk as a Grade II Clerk was in fact and in effect a promotion and, therefore, the tally clerks appointed as Grade II Clerks were entitled to one increment in the common scales of pay now in force.

7. I am inclined to feel that there is justification in the demand of the workmen. Shri Captain, Legal Adviser for the Bombay Port Trust has referred me to para 17 of the C.C.C.'s report where the committee observed as follows:—

"The committee's primary functions was to fit the various categories into the scales provided by the Resolution, subject to the permissible latitudes. As each category or a group of categories came up for consideration the Committee carefully examined the duties and responsibilities of the posts and decided into which scale the particular category in the hierarchy of the Port could be appropriately fitted. In our deliberations we have always had in our mind the desirability of giving equal pay for equal duties and responsibilities in all the Ports, and our decisions are based on that principle. If, therefore, a category in a particular port has been given a different scale to a category bearing the same designation in another Port, the difference in emoluments will be found to be due to differences between the two in matters of duties, responsibilities and other relevant factors. The Committee was moved by the principal consideration of doing justice to the extent prescribed by the Resolution, and in the process many a category has been upgraded. While it is true that in Bombay the scales are to some extent higher as to some categories than in other Ports, our decisions have, in our opinion, resulted, to a considerable extent, in a fair rationalisation of the pay structure of all the Ports in terms of the Resolution."

Shri Captain has argued that in view of this observation of the Committee and in view of the fact that it has fixed a common scale of pay for Tally Clerks and Grade II Clerks it must be held that their duties and responsibilities are common and that the appointment of a Tally Clerk to a Grade II Clerk's post is no longer a promotion, but only a transfer and that that was the decision of the Trustees under Resolution No. 1091, dated 23rd November, 1962, referred to earlier. Shri Captain has pointed out that the Committee's decision were unanimous (a statement which the Unions were inclined to challenge) and has laid emphasis on the fact that there were representatives of labour on the Committee who were parties to the Committee's recommendations and that it was agreed when the Committee was appointed that its recommendations would be binding on all the Port Administrations and the workmen. He has urged that when there is a common scale of pay for two posts there cannot be any assumption of duties and responsibilities of one post being greater than those of the other post and that details of duties must be held to be irrelevant. He has urged that though the duties and responsibilities of Tally Clerks and Grade II Clerks are not identical, they must be adjudged to be on the same level or at par and there was, therefore, no case for Tally Clerks getting one increment when officiating or where appointed as Grade II Clerks.

8. The Unions on the other hand, have urged that though there is a common scale of pay for them, the duties of Tally Clerks and Grade II Clerks still continue to be different. Shri Maitra, General Secretary of the B.P.T. General Workers' Union, in his written statement at paras 9 to 13 has given details of the duties prescribed for Tally Clerks and those prescribed for Grade II Clerks. Those duty lists are admitted as being correct by the Bombay Port Trust. It is further admitted by the Bombay Port Trust that there have been no changes in the duties of Tally Clerks and Grade II Clerks since the report of the C. C. Committee and that the Tally Clerks and Grade II Clerks are continuing to perform the different duties as stated in Shri Maitra's written statement, which they were performing even prior to 1st October, 1957. But what is more important is the admitted fact that the channel of promotion for clerks, even after the C.C.

Committee's Report, continues to be from Tally Clerk to Clerk Grade II to Clerk Grade I and to higher appointments thereafter. What in my opinion is the most important single factor in favour of the contention of the Unions is that it is admitted that even today Tally Clerk cannot be promoted as Grade I Clerk unless appointed to a Grade II Clerk's post. It is further admitted that appointments to Grade II posts are made only from Tally Clerks, but on a basis of seniority. The Unions were at first inclined to challenge but later admitted Shri Captain's statement that after the C. C. Committee's Report no tests are held for appointment of a Tally Clerk to a vacancy in Grade II Clerk's post, but the appointment is made of the senior most Tally Clerk. All the same, the fact does remain that in the channel of promotion the Grade II Clerk's post holds a higher position than the Tally Clerk's post. This can only mean that when a Tally Clerk is appointed as Clerk Grade II he is promoted to that post. No doubt the C. C. Committee has stated that the principle followed by it was that it fixed the same scale of pay for posts of equal responsibility. But the Committee has nowhere stated that if two posts carry the same scales of pay, one of them cannot be regarded as a promotion post, even if it is admitted that one of the two posts occupies a higher position in the channel of promotion, as the post of Grade II Clerks occupies over the Tally Clerk in the hierarchy of the clerical cadre in the Port Trust. The principle evolved by the Jeejeebhoy Committee was a general principle which in my opinion cannot be the fact of a common scale having been prescribed for two posts wipe out the existing higher position of one of them; particularly when their duties and responsibilities continue to be different as before. I am, therefore, inclined to hold that there is substance in the submissions of the Unions in support of their contention that when a Tally Clerk is appointed to the post of Grade II Clerk he must be treated as having been promoted to that post and would become entitled to one increment in the scale of pay applicable. I am inclined to think that the appointment cannot be treated as a mere transfer from one post to another post of equal rank simply because a common scale of pay has been prescribed. In other words differences in the duties and status of the two posts cannot be wiped out merely because a common scale of pay was prescribed. It may further be noted that the C. C. Committee had not recommended that a Tally Clerk when appointed as Grade II Clerk would not be entitled to the benefit of increment if he is so entitled to under the service conditions of the Bombay Port Trust.

9. The Unions have argued that the scales of pay which were prescribed for tally clerks and Grade II Clerks under the decisions of the Labour Appellate Tribunal still stand and that as no notice of change was given under Section 9A of the Industrial Disputes Act 1947, the position with regard to the Tally Clerk and Grade II Clerk remains as it was under the decision of the L.A.T., that the Tally Clerks were even on that ground entitled to an increment when appointed as Grade II Clerks. This question is not free from doubt and I do not think it necessary to base my decision on a consideration thereof. As I have stated supra I am satisfied that even after the C. C. Committee's report the appointment of a Tally Clerk to Grade II Clerk's post amounts to a promotion.

10. The Union has laid stress upon the forms which were prescribed by the Bombay Port Trust when option was to be exercised by the employees as to whether they prefer to be governed by the then existing scales of pay or the scales of pay prescribed by the C. C. Committee. The Unions have pointed out that the Port Trust had itself under agreement with the Unions prescribed a pink form (Ex. W. 1) for those who sought for election of scales of pay on promotion viz. the existing scale of pay or the C. C. Committee's scale of pay. The Unions have stated, and this was not denied, that Tally Clerks who desired to be appointed as Grade II Clerks had been asked to fill in the pink form which was meant for cases of promotions, which fact according to them, clearly indicated that the Port Trust itself had treated the appointments of Tally Clerks to Grade II Clerks as a promotion. Shri Captain has stated that it was by mistake that the pink forms came to be issued. I am not satisfied that the B. P. T. has been able to establish that it was merely by a mistake that Tally Clerks were asked to fill in a pink form of promotion when they sought appointment as Grade II Clerks and to indicate which of the two scales of pay viz., existing scales of pay or the C. C. Committee's scales of pay for Grade II Clerks they were electing for. I am of the opinion that the Unions contention that the appointment of a Tally Clerk to a Grade II Clerk's post amounts to a promotion, is supported by the pink forms.

11. Shri S. R. Kulkarni, the General Secretary of the Transport and Dock Workers' Union has, in my opinion, justifiably argued that from the following observations in the decision of the labour Appellate Tribunal it is clear that the Bombay Port Trust itself had before the Labour Appellate Tribunal conceded that the duties and responsibilities of the Grade II Clerks were higher than those

of Tally Clerks. In paras 17 and 20 of its decision the Labour Appellate Tribunal observed as follows:—

Para 17. "Admittedly the post of a IInd Grade Clerk is a higher post than that of a Tally Clerk. The Bombay Port Trust has also regarded the post of a Grade II Clerk as a promotion."

Para 20. "The post of Grade II Clerk is undisputedly a promotion post for Tally Clerks."

12. In view of these admissions of the Bombay Port Trust and the admitted fact that there has been no change in the duties of Tally Clerks and Grade II Clerks respectively and in view of the admitted fact that even now the Grade II Clerk's post is a higher post than that of Tally Clerk in the channel of promotion. I cannot bring myself to accept the Port Trust's contention that the Grade II post has ceased to be a promotion post after the C. C. Committee prescribed a common scale of pay for these two posts.

13. In the result, I hold that Tally Clerks transferred or appointed as Grade II Clerks after the C. C. Committee's recommendations should continue to get an additional increment, as in the past when the scale of pay of Clerks Grade II was higher than the Tally Clerk's scales of pay and I direct that the Port Trust shall give effect to this award from 1st December 1961.

No order as to costs.

Sd/-

SALIM M. MERCHANT, Presiding Officer,
[No. 28/50/63-LRIV.]

New Delhi, the 26th June 1964

S.O. 2312.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Labour Court, Calcutta in respect of an application filed by Shri Shiv Gopal Kapoor of the Allahabad Bank Limited, under section 33A of the Industrial Disputes Act, which was received by the Central Government on the 20th June, 1964.

In the matter of an application under section 33A of the Industrial Disputes Act 1947 filed by Sri Sibgopal Kapoor (workman) residing at No. 6 Peary Mohan Pal Lane, Calcutta-7, against his employer Allahabad Bank Ltd. having its Head Office at No. 14, India Exchange Place, Calcutta-1.

BEFORE THE CENTRAL GOVERNMENT LABOUR COURT AT CALCUTTA

(CASE NO. 1 OF 1963/33A).

PRESENT

Shri M. K. Roy, Judge, Presiding Officer.

APPEARANCES:

For the Workman—The applicant himself.

For the Company—Sri Sudarsan Kumar Khanna, representing the Bank.

AWARD

The instant application under section 33A of the Industrial Disputes Act of 1947 was originally filed before the National Industrial Tribunal (Bank Disputes) at Bombay and registered as complaint No. 104 of 1961 in reference No. 1 of 1960 relating to Government of India Labour and Employment Department Notification dated 21st March 1960. The application was then transferred from the National Industrial Tribunal (Bank Disputes) at Bombay to the Central Government Labour Court at Dhanbad by its order dated 22nd July 1961 following the notification dated 23rd December 1960 from the Government of India, Ministry of Labour and Employment New Delhi and the application was registered there as application No. 292 of 1961. The opposite Party (Company) filed its written statement in that court and the case was being ready for hearing when it was transferred to this court from the Central Government Labour Court Dhanbad in pursuance of the Order No. 55(31)/63-LRIV dated the 8th October, 1963 of the Government of India, Ministry of Labour and Employment for disposal according to law. After receipt of the record of the proceedings it was registered in this court as case 1 of 1963 U/s. 33A of the Industrial Disputes Act and usual notices were served on

the parties concerned directing them to appear before this court to-day the 17th day of June, 1964 in order to settle further proceedings of this case.

To-day the applicant Sri Shiv Gopal Kapoor and Sri Sudarsan Kumar Khanna authorised representative of the Bank (Compay) have appeared before me and stated that the matter had been settled out of court and that the memorandum of settlement had already been filed in the Dhanbad court before the transfer of the case to this court. They have also filed a memorandum of settlement before me wanting to have the case disposed of in terms of settlement between the parties. Both the workmen and the Bank's representative have further stated before me that the terms of settlement have been fulfilled and that nothing remains for adjudication in this case by this court. The memorandum of settlement is duly signed by the worker as well as the Assistant General Manager, Allahabad Bank Limited.

I have carefully gone through the memorandum of settlement and I am satisfied that the terms embodied therein are fair, reasonable and acceptable too. Hence the same are accepted by me.

Therefore, on the basis of the terms of settlement I pass this compromise award and dispose of the case accordingly.

Dictated & corrected by me.

Sd./- M. K. Roy,
Presiding Officer.

Sd./- M. K. Roy,
Judge,
Presiding Officer,
Central Govt. Labour Court, Calcutta.
Dated: 17-6-1964.

For the Allahabad Bank Ltd.
Sd./- SRINARAIN MEHROTRA,
Asstt. General Manager.
Sd./- SHIV GOPAL KAPOOR,

"ANNEXURE"

BEFORE THE CENTRAL GOVERNMENT LABOUR COURT, DHANBAD.

IN THE MATTER OF APPLICATION No. 292 OF 1961.

In the Matter of Shiv Gopal Kapoor.

Vs.

Allahabad Bank Ltd., & Joint Stock Company having its Registered Office at 14, India Exchange Place, Calcutta.

TERMS OF SETTLEMENT

—Opposite Party.

The case be disposed of on the following terms:

1. The petitioner Shiv Gopal Kapoor shall be promoted with effect from 15th March, 1961 to the Supervisory cadre, and the Bank will pay him at once all arrears of special allowance and bonus etc. due to him on the basis of such promotion. The Opposite Party Allahabad Bank Ltd. will within a month or two place the Petitioner on Head Office training with a view to judge his suitability for promotion to the Official Grade after proper test.
2. The Opposite Party Allahabad Bank Ltd. will pay exgratia to the petitioner a sum of Rs. 200/- (Rupees two hundred only) as compensation for costs of prosecuting the suit.
3. The Petitioner hereby withdraws his case in terms of the above settlement and the same may be struck off the records.

Dated this 26th day of September, one thousand nine hundred and sixty three.

I identify Sri Shiv Gopal Kapoor.

Sd./- S. K. KHANNA.

17-6-1964.

Allahabad Bank Ltd.
Sd./- SRINARAIN MEHROTRA,
Asstt. General Manager.
Sd./- SHIV GOPAL KAPOOR,
Sd./-

(M. K. Roy),
Presiding Officer,
Central Govt. Labour Court at Calcutta.
Dated: 17-6-1964.

[No. 55(48)/64-LRIV.]

ORDERS

New Delhi, the 26th June 1964

S.O. 2313.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Netherlands Trading Society and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad constituted under section 7A of the said Act.

SCHEDULE

Whether having regard to the directions contained in the Award dated the 21st July, 1962 of the National Industrial Tribunal (Bank Disputes), Bombay, published with the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 2603, dated the 7th August, 1962, the quantum of bonus paid by the management of the Netherlands Trading Society to their workmen in respect of the year 1962 was inadequate? If so, to what relief are the workmen entitled?

[No. 51(40)/64-LRIV.]

New Delhi, the 27th June 1964

S.O. 2314.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Life Insurance Corporation of India, Muzaffarpur and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad constituted under section 7A of the said Act.

SCHEDULE

Whether the demand of the Muzaffarpur Division Insurance Employees' Association for absorption and confirmation of the undermentioned employees and for the grant of benefits as admissible to class IV staff is justified?

1. Sri Laxami Prasad.
2. Sri Banti Prasad.
3. Sri Gour Gopal Roy.
4. Sri Shyam Chandra.
5. Sri Lal Jha.
6. Sri Balbhadra.
7. Sri Krishnandan Pd.
8. Sri Sarjug Singh.
9. Sri Rabindra Nath Thakur.
10. Sri Arjun Prasad.
11. Sri Kamal Mehto.
12. Sri Mahabir Sah.
13. Sri T. N. Das.
14. Sri Mohan Prasad.
15. Sri Ram Murti Rai.
16. Sri Ram Udar Singh.
17. Sri Bishwanath Mandal.

2. If so, to what relief are all or any of the workmen entitled and from which date?

[No. 70(5)/64-LRIV.]

O. P. TALWAR, Under Secy.

New Delhi, the 25th June, 1964

S.O. 2315.—Whereas by the notification of the Government of India in the Ministry of Labour and Employment, No. S.O. 77, dated the 26th December, 1963, the Central Government being satisfied that the public interest so required, had declared the coal industry to be a public utility service for the purposes of the Industrial Disputes Act, 1947, (14 of 1947), for a further period of six months from the 8th January, 1964;

And whereas the Central Government is of the opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a further period of six months from the 8th July, 1964.

[No. 1/40/64-LRI.]

New Delhi, the 26th June 1964

S.O. 2316.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to certain Ochre Mine Owners of Jaitwara area and their workmen, which was received by the Central Government on the 20th June, 1964.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT BOMBAY

REFERENCE C.G.I.T. 15 OF 1962

The following 8 ochre mine owners of Jaitwara area. P.O. Jaitwara, District Satna, Madhya Pradesh:

1. The Proprietor, Harrish Mineral Supply Company, Jaitwara.
2. The Proprietor, Jailal Bharatlal, Jaitwara.
3. The Proprietor, Neogy and Sons, Jaitwara.
4. The Partner, Lachhilal & Company, Jaitwara.
5. The Partner, Sheoratanlal, Jaitwara.
6. The Partner, Ram Pyare and Sons, Jaitwara.
7. The Partner, Hiralal Rameshwar Prasad, Jaitwara.
8. Messrs Munnalal Pansari, Satna Stock, Jaitwara.

-AND-

Their Workmen.

PRESENT:

Shri Salim M. Merchant, Presiding Officer.

For the Employers—Shri K. C. Bannerjee, Secretary, Ochre Mine Owners and Dealers Association, Jaitwara for employers No. 1 to 7. No. appearance for Messrs Munnalal Pansari, Employer No. 8.

For the Workmen—Shri K. B. Chougule, Assistant Secretary, Indian National Mine Workers Federation and Secretary Madhya Pradesh I.N.T.U.C. with Shri Chandrashekhar Tiwari, Madhya Pradesh Stone & Lime Workers Federation, and Shri S. K. Sharma, Vice President of Federation with Shri G. C. Jaiswal.

Dated at Bombay the 18th day of June 1964

INDUSTRY: Ochre Mining

STATE: Madhya Pradesh.

AWARD

The Central Government by the Ministry of Labour & Employment's Order No. 22/18/62-LR-II, dated 15th June 1962 made in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Act XIV of 1947), was pleased to refer the industrial dispute between the employers above named, (specified in Schedule I to the said order) and their

workmen in respect of the following subject matters (specified in Schedule II to the said order) to me for adjudication:

SCHEDULE II

(1) Whether the present wage rates of the following categories of workmen employed in the ochre mines of Jaitwara area of the aforesaid employers are satisfactory; if not, to what revision of wage rates they are entitled and from which date:

- (i) Assistant Managers (ii) Clerks and Supervisors (iii) Mates (iv) Time-rated male labour (v) Time-rated female labour (vi) Piece-rated male labour (vii) Piece-rated female labour,

(2) Whether the persons who are employed as mine managers in the ochre mines of the aforesaid employers in Jaitwara area are "Workmen" under the provisions of the Industrial Disputes Act; and if so, whether they are entitled to the revision of their wage rates and to what extent and from which date?

(3) Whether the workers employed in the ochre mines of the aforesaid employers in Jaitwara area are entitled to payment of bonus and if so, the quantum thereof and the date from which the same should be paid?

(4) Whether the workers in the aforesaid mines are entitled to the introduction of the Provident Fund Scheme; if so, what should be its structure?

(5) Whether the aforesaid workers are entitled to wages for the Republic Day (26th January) and Independence Day (15th August) and if so, from which year? Whether they are entitled to any other festival holidays and if so, from which year?

(6) Whether the aforesaid employers are liable to provide any medical aid to the workers in the aforesaid mines; if so, at what scale?

(7) Whether the workers employed in the ochre mines of the aforesaid employers are entitled to wages, lay-off compensation or any other relief during the period the mines were and are closed in rainy season; and if so, the quantum of such relief and the date from which the said relief is admissible?

(8) Whether the employers are liable to establish any primary school for the education of the children of the workers employed in their mines?

(9) Whether the employers who employ less than 100 workers are liable to make the workers permanent; and if so, what should be the eligibility for such permanency and what relief the existing workers are entitled?

(10) Whether the workers employed by the aforesaid employers are entitled to any sick leave; if so, at what rate?

2. After the usual notices were issued, the President, M. P. Stone and Limes Workers' Federation, Satna, filed the statement of claim dated 9th August 1962 on behalf of the workmen, and the employers Nos. 1, 2, 3, 5, 6, 7 filed their joint written statement dated 21st August 1962 and the dispute was thereafter fixed for hearing at Jabalpur on 12th September 1962 when Shri K. C. Bannerjee appeared for the Employers. At the hearing in addition to the six employers stated earlier Employer No. 4 Lachhlal and Company was also represented by Shri K. C. Bannerjee. Only Employer No. 8 Messrs Munnalal Pansari, Jaitwara though served was not represented at the hearing. On 13th September 1962, the parties filed a joint application asking for an adjournment on the ground that they had agreed to refer the subject matters of this dispute to the arbitration of Shri D. P. Pathak, Regional Secretary, of the M.P. INTUC, Jabalpur. The hearing was, therefore, adjourned to 17th October 1962. The parties thereafter applied for further adjournments on the ground that they were still negotiating for a settlement. Thereafter, the parties indicated to me that settlement was not possible and requested me to proceed with the hearing of the dispute and consequently, accompanied by the representatives of both parties, I inspected the Morababa Ochre and White Earth Mine at Jaitwara on 28th March 1963. The Morababa Ochre and White Earth Mine belongs to Ram Pyare and Sons, being Employers No. 6, in the list of employers stated above. Both parties have led oral evidence and the Employers have tendered documentary evidence (Ex. E. 1 collectively), and I have had the benefit of detailed submissions of the representatives of the parties which were made at the hearing of this dispute at Jabalpur on 8th April 1964.

3. Before I deal with the submissions of the parties, I think it is necessary to mention that it was stated at the hearing that these 7 employers, employ between

400 to 600 workmen of whom 25 per cent are time rated and the rest are piece rate. The total number of mines worked by these 7 employers is about 25. It is admitted that this is an old industry having been in continuous existence since about 50 years. The Ochre mines in question are situated about 25 to 30 miles from Jaitwara in Madhya Pradesh. It is also necessary to note that during the regime of the Native State the right to work these mines was given by auction to the highest bidder, but since integration they are granted on lease. Another important feature to notice is that prior to the date of this reference admittedly about 20 per cent of the labour consisted of women workers. The Union alleges as that the women workers used to be employed at the Ochre Mines and depots of these employers but that all of them have been stopped from work after this dispute was referred to adjudication. It is admitted that there are both time-rated and piece-rated workers employed at the mines; the time-rated workmen are at present paid wages varying between Re. 1.00 to Rs. 1.50 per day for males and the women workers, before they were stopped from work, were paid between Re. 0.75 nP. to Re. 0.85 nP. per day. It is stated by the employers that though the minimum earning of the piece rated worker is Rs. 2/- per day, their earnings range between Rs. 2/- to Rs. 4/- per day. The main demand under reference, which was pressed at the hearing, relates to the wages for the various categories mentioned under demands Nos. 1 and 2.

4. It is also necessary to give a short history of this dispute. It appears that on or about 23rd March 1962, the Regional Labour Commissioner (C), Jabalpur, addressed a letter to the employers, with which he forwarded a copy of the joint representation bearing no date received by him from the workers of the Jaitwara Ochre Mines and they were requested to furnish their comments thereon in duplicate before 1st April 1962. The Employers have filed a copy of the letter from the Regional Labour Commissioner (C), Jabalpur dated 23rd March 1962, addressed to M/s. Neogy and Sons, Jaitwara, being the employers No. 3 under reference. The representation, copy of which was enclosed with this letter contained as many as 32 demands. (Ex-E. 1 collectively). The 32 demands related to wages, payment for the weekly day of rest, payment for two national holidays, bonus etc. The charter of demands was received in the office of the Conciliation officer (C), Jabalpur, on 16th March 1962 and it was signed on behalf of the workmen by 6 of the representatives, who had stated that they had been elected for that purpose at a meeting of the workers held on 26th March 1962 at village Siddha attended by 301 workers, whose names were stated. It appears that to the Conciliation Officers letter dated 23rd March 1962, inviting their comments, M/s. Neogy and Sons replied on 27th March 1962 that they had no knowledge of the formation of any Union by the workers of Ochre Mines nor had they received any kind of demands from the said workers. Though none of the other employers appear to have replied, a letter dated 28th March 1962 was received by the Regional Labour Commissioner (C), Jabalpur from the Secretary, Ochre Mine Owners and Dealers Association, Jaitwara, stating that the members of the Association had no knowledge regarding the workers having formed any association or that there was any dissatisfaction among the workmen. It appears that the conciliation proceedings were thereafter held at Satna on 16th April 1962, when the employers under reference, except M/s. Munnalal Pansari, being Employers No. 8 who, incidentally, have also not appeared in these proceedings, were represented, and six representatives of the workers also attended the conciliation proceedings. The workers representatives submitted an authority letter authorising Shri Chandra Sekhar Tiwari, General Secretary, Madhya Pradesh Stone and Lime Workers Federation (INTUC), Satna, to represent them, in the conciliation proceedings and he along with other workers representatives attended the proceedings. It appears that the employers' representatives produced letters from the Regional Inspector of Mines calling for rectification of various violations under the Mines Act and replacement of the Mines Managers by qualified hands and they (the employers' representatives) stated that they were showing grace to the present mines managers by allowing them to continue in service and therefore, there could not be any question of granting any increase in their wage rates. On the other hand, the workers' representatives, contended that the mine managers who drew wages of Rs. 35/- to Rs. 60/- per month were working as supervisors without any financial control or powers and that they had been designated as Mine Managers simply to fulfil the technical requirements of Mines Act, because they were not otherwise qualified to be appointed as Mines Managers. It was further stated by the workers' representatives at the conciliation meeting that the Labour Inspector (Central), Jabalpur, advised them not to resort to direct action in support of their grievances, but to adopt constitutional methods by raising an industrial dispute, as was done in the neighbouring Lime Stone Mines of Satna area. They, therefore, denied the allegations of the employers that the Labour Inspector (C), Jabalpur, had encouraged the dispute: on the other hand the workmens' representatives contended that the employers, under threats, had on 15th April collected thumb impressions from

workers on papers, contents of which were not known to them. The report of the Conciliation Officer (C), Jabalpur, dated 19th April 1962, from which the above facts have been culled, also records that after prolonged discussions, a tentative agreement was reached to the effect that the employers would pay to the time rated workers at the rate of Rs. 2/- per day for full eight hours work; that in regard to piece-rated workers the work-load would be investigated for further conciliation and in regard to the rest of the demands the parties would mutually negotiate and failing a settlement to any of the points, the same would be again taken up for conciliation. It appears that while these terms of settlement were being typed, Shri D. P. Pathak, Secretary, M.P. INTUC arrived along with the Assistant Manager, Satna Cement Works and the Labour Officer, Satna Cement Works, for some discussions with the Conciliation Officer. Shri Pathak, also agreed with the terms of the tentative settlement and even agreed to help in the mutual negotiations in respect of the rest of the demands. The employers had some consultation outside and they suddenly withdrew from the conciliation by submitting the petition to the effect that they would not recognise Shri Chandrasekhar Tiwari on the ground that his behaviour was rude and he was talking irrelevantly and that they had invited Shri Pathak to go to their mines for an amicable settlement. The Conciliation Officer, appears to have attempted to persuade them to stay on and even offered (because the employees' representative had protested against the behaviour of Shri Tiwari) to hold separate discussions with the representatives of the employers and the representatives of the workmen, but the employers' representatives would not listen to him and left the place asking the Conciliation Officer to do whatever he liked. The Employers' representatives left without signing the draft conciliation agreement, whereupon the Conciliation Officer, as recorded by him, had to proceed ex-parte with the conciliation proceedings. This is the record of what transpired at the conciliation proceedings as recorded by the Conciliation Officer (C) in his failure report to Government dated 19th April 1962, copy of which has been forwarded to this Tribunal along with the Government of India Order dated 15th June 1962 referred to earlier.

5. Though the employers had led the evidence of as many as 14 witnesses, not one of them was questioned with regard to the alleged justify settlement which the Company contended had been reached during the conciliation proceedings on 16th April 1962, under which the Company says it had agreed to pay a minimum wage to the daily rated workers of Rs. 2/- per day. Shri K. C. Bannerjee, representing the employers at the hearing of this dispute, strenuously urged before me on 8th April 1964 at Jabalpur, that the employers had agreed to pay Rs. 2/- per day to the daily rated workers for eight hours work and this has been recorded in the failure report of the Conciliation Officer dated 19th April 1962, on which he relied for that purpose. As is clear from the Conciliation Officers failure report, no such agreement was signed or entered into before the Conciliation Officer and that the employers' representatives left the conciliation proceedings without signing that agreement. It is also admitted that the employers have not paid their workmen the minimum wage of Rs. 2/- per day, which they now contend was agreed upon at the said conciliation proceedings in settlement of this dispute. No evidence has been led by the employers in support of any of the legal contentions raised in their written statement and no arguments were addressed to me on this point. I am satisfied that there was no settlement reached in the conciliation proceedings by which the employers offered to pay and the workmen agreed to accept a minimum wage of Rs. 2/- per day for the daily rated employees in full and final settlement of all the demands under reference. I, therefore, reject this contention of the management.

6. I am also satisfied that there is no substance in the objections to the validity of this reference urged in the written statement of the Employers. The Employers have urged that there was no industrial dispute raised by its workmen and there was no industrial dispute which the Government could refer to this Tribunal. I am satisfied from what have been stated in the Conciliation Officer's report and from what the parties have stated and urged before me at the hearing of this dispute that the workmen had made the demands under reference and that the employers under reference refused to meet these demands. This gave rise to an industrial dispute over which conciliation proceedings were held and that upon the employers' representatives having withdrawn from the conciliation proceedings, the Conciliation Officer (C), Jabalpur, heard what the representatives of the workmen had to say and submitted his report to Government dated 19th April 1962, in which he has given details of the events leading up to the failure of the conciliation proceedings. I am satisfied that the Conciliation Officers' failure report is the report as required under Section 12(4) of the Industrial Disputes Act, 1947, and that this reference has been made by Government after considering the Conciliation Officer's failure report under Section 12(5) of the Industrial Disputes Act, 1947. I am also satisfied that the workmen of the Ochre Mines are represented by the Union on record. It was clear to me at the time of inspection and at the

hearing of this dispute that the workers are prosecuting this dispute. I am satisfied that the Industrial dispute was properly raised and that the Conciliation Officer's failure Report conforms with the requirements of the Industrial Disputes Act, 1947, and that the reference by Government is valid and proper and, I have, therefore, jurisdiction to entertain this dispute.

7. I now proceed to deal with the demands on their merits.

Demand No. 1:

"Whether the present wage rates of the following categories of workmen employed in the Ochre Mines of Jaitwara area of the aforesaid, employers are satisfactory; if not, to what revision of wage rates they are entitled and from which date? (i) Assistant Managers (ii) Clerks and Supervisors (iii) Mates (iv) Time rated male labour (v) Time rated female labour (vi) Piece rated male labour (vii) Piece rated female labour."

The question under this demand is whether the existing wages for the various categories mentioned in this demand are satisfactory and if not what revision of wages they are entitled to and from which date. The Union has generally argued that the wages paid to the various categories of workmen in these Ochre Mines are very low and need to be revised. It has pointed out that the Ochre Mines are situated in distant hilly regions, where organisation of labour has been extremely difficult and where the employers have been paying low wages to their workmen for many long years. They have stated that the prevailing rates of wages for the time rated male workers range between Rs. 1-00 to Rs. 1-50nP per day, which does not even constitute a subsistence wage. The Union has contended that on the present cost of living, they are entitled to an immediate increase in their wages. They have further urged that this industry is of long standing and is in a prosperous state as under the regime of the Native States, all these employers were able to exploit their labour to the fullest and had accumulated large profits. They have, therefore, urged that both on the ground of the existing wages, being below the subsistence wage and considering the capacity of the industry, they would be entitled to the wages claimed by them. The Union has argued that irrespective of the capacity of the industry to pay, as what it has demanded is the minimum wage, the industry was bound to pay it.

8. The employers in their written statements have denied that labour in the Ochre Mines has received unfair treatment or is being paid inadequate wages. They have denied that the industry had exploited its labour in the past. They have also denied that the profits of the industry are so substantial that any increase over the existing wages can be paid. It has stated that there is complete industrial peace prevailing among the workmen and employers in this industry. The employer have contended that the wages paid at present are not unsatisfactory considering:—

- (1) that the labour is from the agricultural class of workers and their work in the Ochre mines is only part time work;
- (2) that the labour works only between 11-30 a.m. and 4-30 p.m., during which time they have an hour's recess and that for this quantum of work the wages paid to the male and female workers are satisfactory;
- (3) that the industry barely makes any profits and is not in a position to meet the financial burden of any of the demands put forward on behalf of the workmen.

9. I would like to deal at this stage with the question of the capacity of the industry. The employers have both in the written statement as stated above and by the oral evidence of their managers and partners or proprietors sought to establish that the industry is not in a position to bear the financial burden of any increase in wages or any of the other demands under reference. I am not at all satisfied with this contention. It is admitted that this industry has been in continuous existence for the last over 50 years and if any thing the evidence on record establishes that the employers have now adopted modern mechanised methods of crushing the ochre after it is extracted from the mines. The old method of transporting of ochre from the mines at Jaitwara by bullock carts has been replaced by trucks and machinery is used for grinding the ochre and trucks are also used for transporting the finished ochre to the railway yards to be loaded into wagons. I have carefully considered the evidence with regard to the cost of production and selling prices of ochre as disclosed by the oral evidence on record and I am satisfied that there is more than substantial margin of

profit per tonne of the ochre despatched by these even mine owners. I am sorry to say that many of the proprietors, who have given evidence, have made statements which are contradictory. Whilst in the beginning lower cost items were stated and the selling prices realised were stated to be higher, subsequent witnesses reduced selling prices and increased the cost expenses of the various items of production. The employers have, however, not given the actual prices with regard to the total sales realisation on the various kinds of ochres, i.e. yellow, red and white ochres, manufactured and sold by them. It, however, appears to me that the margin of profit in the industry is on an average at least Rs. 10/- per tonne of ochres, which was the figure given by witness, Shri Som Chandra Aggarwal, (E.W.10) from whose evidence it can be safely stated that the margin of profit is on the average is about Rs. 10/- per tonne of ochre despatched. Most of these employers have been in this business for nearly a generation and are in a prosperous enough condition to pay at least the minimum wage to their workmen.

10. It has been contended on behalf of the employers that they have to face both internal and external competition. Much has been made of the fact that three other firms of employers, namely M/s Dyres & Company, M/s J. J. Jones & Co. and M/s Mukhtiyar Ahmed & Co. have not been included in this reference though, it is alleged, they are paying the same wages and have the same working conditions for their workmen. It has been argued that in the absence of these three employers being included, the eight firms of employers under reference would suffer internal competition, which they would not be able to stand. There is, however, no reliable evidence on record in respect of these three excluded employers. There is no sufficient evidence to justify the contention of the employers that three other firms are leading employers at Jaitwara, nor is there sufficient reliable evidence to justify the employers' statement that these three excluded employers are paying the same wages as are paid by the employers under reference. I am not satisfied that merely because these three employers have been excluded from this reference these eight employers, who are undoubtedly the leading firms and companies in the industry at Jaitwara, cannot be called upon to pay the minimum wages which I am fixing under this award.

11. It has been next urged that the industry now is also facing competition from manufacturers of ochre from Andhra Pradesh, Rajasthan, Madras and other places. It is contended that these centres produce ochre of better quality and that their ochre mines are situated near the Railway lines enabling them to produce and sell ochre at a lower price and thus successfully compete with these employers who have not been able to increase the selling price of their ochre for many years. A few old bills were shown at the hearing in support of the employer's contention that the selling price of their ochre has remained the same throughout the last many years. But beyond making this general statement, the witnesses on behalf of the employers have not been in a position to give details of this alleged competition. There is no evidence on record to show at what price these alleged competitors sell their ochre. The rates at which these seven employers sell their ochre have been stated by different witnesses differently, and I find it difficult to accept the figures given by them as correct. For instance, witness E.W. 8, Shri Harlal Bansal, Proprietor of Harris Mineral Co., Jaitwara, stated that processed yellow ochre was sold in the market at prices varying between Rs. 80/- to Rs. 130/- per tonne; that red ochre is sold in the market at prices ranging between Rs. 60/- to Rs. 90/- per tonne and white earth is sold at prices ranging between Rs. 40 to Rs. 55 per tonne. He further stated that half of the ochre produced by his firm is of yellow ochre and the rest red ochre and white earth variety. Subsequent witnesses considerably reduced the selling prices of their ochre and witness E.W. 10, Shri Anil Kumar Neogy partner of M/s Neogy & Sons, stated that the selling price of yellow ochre at present is Rs. 40/- to Rs. 60/- per tonne. Red ochre is sold at Rs. 40/- to Rs. 45/- and white earth is sold between Rs. 40/- to Rs. 45/- per tonne. Witness E.W. 11 Shri Satya Narain Pandey, further reduced the selling price by stating that first quality yellow ochre is sold at price ranging between Rs. 50/- to Rs. 65/- per tonne and the other quality of yellow ochre is sold at Rs. 40/- to Rs. 45/- per tonne. He further stated that yellow ochre after grinding fetches a price of Rs. 60/- to Rs. 100/- per tonne as against the market price of Rs. 80/- to Rs. 130/- as stated by E.W. 8. E.W. 12 further stated that the best quality of yellow ochre fetches only Rs. 65/- to Rs. 75/- per tonne. I am, therefore, not at all satisfied that these witnesses have told the truth about the selling price of their ochre or about their correct costs of production. I am inclined to think that the cost of production is much lower and the selling prices realised are much higher than what the Employers' witnesses have stated. I am of the opinion that on an average a higher margin of profit is realised than they have admitted.

12. I am, therefore, more than satisfied that this industry is in a position to meet the increased wages I am awarding. I am also more than satisfied that the wages of these workmen have been highly depressed for a long time and that they

have been unjustifiably denied minimum wages for a considerable time because of the not easily accessible region in which these mines are situated, which makes the organisation of their workmen most difficult.

13. It has next been urged by the employers that the workmen of these mines work only 4 to 4½ hours a day and not the usual 8 hours. The hours of work as stated by the witnesses for the employers are from 11 a.m. to 4.30 p.m. with an hour's recess. In my opinion there is no definiteness in the evidence led on behalf of the employers relating to the hours of work of these workmen. The workers' witness, Shri Ramayan Prasad Sharma, (W.W. 1) stated that the work at the mines commences at 9 a.m. and closes at 5 p.m. but that in the attendance register entry is always made of the workers having attended from 11 a.m. to 4 p.m. The Employers witnesses have given varying attendance hours. For instance Shri Man Bharan Prasad (Employers' witness No. 4) stated that his mine starts work at 11.30 a.m. and stops work at 3.30 p.m. a statement which I find impossible to believe, considering that his mines are situated only at a distance of two miles from Barah and Gujwah and four miles from Piri Tola villages. The employers' witness No. 5 Shri Dadan Prasad stated that he attends the mine at 11.30 a.m. but attendance is marked at 12 noon and work stops at 4 p.m. In cross examination, he stated that he takes only half an hour to reach his home from the mine and that there is no watch at the mine and that the time when he leaves in the evenings is not marked. He further stated in cross-examination that he was not interested in his pay being increased and that he cannot work for more than 4 hours. Employers' witness No. 7 Shri Bhagwandin Sharma in cross-examination stated.

"I enter 4½ hours attendance in the register. I have been making this entry for the last 3 to 4 years and I enter 4½ hours attendance against the name of each workmen. Even if a workmen goes away earlier, I would enter 4½ hours attendance."

14. It is thus seen that the witnesses of the employers had all come with a prepared story to say that the workmen at their ochre mines do not work for more than 4 to 4½ hours a day. I find this story unconvincing. The management has argued that it is impossible for the workmen to work a normal eight hours shift; that they are mostly agriculturists or belong to the class of land labourers who reside in the villages which are at a considerable distance from the mines; that they come to work at mines only after attending to their work on their lands and they go back in the evening before sun-down to attend to their agricultural work; that their earnings by work in the ochre mines are merely meant to supplement their main earnings from their principal occupation, which is agriculture.

15. It is no doubt true that most of the labour appears to come to the ochre mines from the adjoining villages. But the distance of the villages from the various mines of these seven owners differ from 1 and 2 to 3 and 4 miles. There is no doubt that it takes them some time to cover this distance, but they are accustomed to walking from their villages to the mines and I do not think they take such a long time to cover the distance as the management seeks to make out. I am also not satisfied that these workers cannot attend to their work for eight hours if the employers are keen on taking 8 hours work from them, as they strenuously urged, they were most desirous of doing. It may be that some of these workers do supplement their income from their agricultural lands and pursuits by their earnings from the ochre mine, but I do not think that there is enough convincing evidence on record to establish that these workmen would not be able to work for eight hours if the management insist upon their so doing and the wages to be awarded were on the basis of an 8 hours working day. On the evidence on record, I am not satisfied that these workers work for only 4 to 4½ hours a day. In my opinion this is a prepared story put forward from the beginning to justify the very low wages at present being paid. From the statements made by the witnesses on behalf of the employers, to some of which I have referred earlier, I think that the correct position is that there is no proper system at all of maintaining a correct record of the hours of attendance of the miners. I find it difficult to believe that the workers work only 4 to 4½ hours a day. The piece rated workers earn, according to the evidence of the employers, between Rs. 2/- to Rs. 5/- per day. The piece rate varying between Rs. 5.50 to Rs. 7.50 for a "sera," which means 22 basket loads, 4 basket loads equalling a maund. After having visited one of the mines, I find it difficult to believe that in 4 to 4½ hours' work, miners and loaders would be able to cut the quantity of ochre, which would enable them, at the existing rates, to earn the wages of Rs. 2 to Rs. 5 per day, which the employers say the piece rated earn per day. Whilst, I am not prepared to hold that the workmen at present actually regularly work for eight hours each day, "I am inclined to feel that this is so because the employers themselves are not keen to take eight hours work from these workmen. I am of the opinion, that if appropriate wages are fixed on 8 hours work basis, the workmen would be able to give eight hours work. In fact according to the employers they had during conciliation

offered to pay to the daily rated the minimum wage of Rs. 2/- per day of 8 eight working hours. Surely, the employers could not have made such an offer without it being possible for them to get 8 hours' work from their workmen.

16. It is next urged by the employers that these mines are seasonal and that it is not possible to work them during the monsoon months and harvesting season as the workmen refuse to attend the work during those seasons, because they are engaged in agricultural work on their lands. I am more than satisfied that the ochre mines are closed during the rainy season not because the employers are not able to get the necessary labour but because it is not possible to work these mines during the rainy season. Employees' witness No. 2 (Annasa Prasad) stated in cross-examination that during the monsoon the mines are stopped because of the danger of the mines collapsing. This witness further stated in cross-examination that the workmen from the depot are sent to work at the mines, when there is no work at the depot. He further stated that the work in the depot goes on throughout the year. With regard to the harvesting season, I am not satisfied that there is no labour available to enable the mines to be worked or that the mines are not at all worked during that season. I am of the opinion, that if proper wages are fixed and regular eight hours employment provided by the employees these workmen would work for 8 hours in the day, throughout the year except during the rainy season.

17. In fixing the basis wages, I must also take into account the nature and existing conditions of work in the ochre Mines. It is admitted that most of these ochre mines work in galleries. It is further admitted that the width of the mines in the majority of cases is about 3 to 4 feet and that in many of them the workmen have to cut ochre in a sitting position. (See the evidence of E.W. 6, who in cross-examination stated that the width of the mine is 3' and he has to cut ochre sitting). I am satisfied that the work in the ochre mines is of a difficult nature. This element must, therefore be taken into account when fixing their wages.

18. The employers have urged that in fixing the wages, the income of these workmen from their agricultural lands and their income from forest produce, must also be taken into account. This argument proceeds on the assumption that every one of these workers has some independent agricultural income and that his work in the ochre mines is only part-time work. I am not satisfied that there is sufficient evidence on record to draw such a general conclusion. First of all, there is no evidence that all the workmen or even a majority of them have independent income from their agricultural lands. Even if it be so, this income can never be taken into account in fixing their wages, if they are fixed on the basis of a full eight hours work in the day. Workmen must be paid wages for 8 hours work so as to provide them with at least the minimum requirements of life and in doing so their income (if any) from their agricultural land or their labour thereon cannot be taken into consideration. Ochre mining in Jaitwara area is an industry which has now been continuously in existence for nearly 50 years and I do not think it fair or right that the wages of the workmen in this industry should be based on a footing of agricultural work. In my opinion, the present wages paid to these workmen are inadequate and do not even fulfill the minimum wage requirements.

19. Shri Chougule for the Union, has claimed for the un-skilled underground workmen the minimum wage of Rs. 3.50 per day, made up of Rs. 2/- Basic pay; 50% thereof i.e. Rs. 1/- as dearness allowance and 0.50 nP. as under-ground allowances.

20. He has in support argued that the minimum wage, under the recent interim recommendation of the Wage Board for the Iron Ore Mining Industry, has been brought up to Rs. 2.50 per day i.e. Rs. 65/- per month of 26 days. Those wages have been fixed on the footing of an 8 hour working day. As I have stated earlier these employers themselves offered to pay Rs. 2/- as the minimum wage for the daily rated workers on an 8 hours basis. It was alleged by the Employers that they made this offer on the basis of all the other demands contained in the charter of demands being withdrawn. There is no evidence in support of this alleged condition and I am satisfied that during conciliation proceedings the employers had offered the minimum wage of Rs. 2/- for an eight hours working day for the daily rated worker. What Shri Chougule asked for is virtually Rs. 2.50 on 8 hours work basis for those working in the galleries. The present wages paid to the daily rated workmen ranged between Re. 1/- to Rs. 1.50 nP. per day. Taking into consideration the facts and circumstances of the case, the nature of the work, the financial position of the industry, and the level of wages in the region in other industries—particularly the iron ore mining—I think it would be fair to fix the minimum wage for the daily rated workmen at Rs. 2.12 nP. per day. This would be consolidated wage inclusive of dearness allowances. Those working in the galleries would, if daily rated, be paid an extra allowance of Rs. 0.12 nP. per day.

Assistant Managers.—I am not satisfied that there is any category like Assistant Manager in existence in the Ochre Mines. The Union has not questioned its witness (W.W. 1) on this category. There is, therefore, no evidence that such category exists. The Employers have denied the existence of this category. It is, therefore, not necessary to fix their wages.

Clerks and Supervisors.—For Clerks, the Union in its written statement, has claimed a starting basic salary of Rs. 80 with the dearness allowance of Rs. 40/- and such of the clerks who supervise and who have to perform underground duties, the Union has claimed an underground (sic gallery) allowance of Rs. 20/- per month. Beyond generally stating, that the demand is unjustified, the employers in their written statement, have given no particulars and have generally said that the present wages paid to them are satisfactory. At the hearing it was stated by them that there are no clerks employed at the mines. The Union has, however, referred to the clerks employed at the depots at Jaitwara. The terms of reference do not in my opinion, include the workmen employed at the depot for Schedule II to the Government Order of reference specifies the subject matter of this dispute as follows:—

- (1) "Whether the present wage rates of the following categories of workmen employed in the Ochre mines of Jaitwara area of the aforesaid employers are satisfactory."

Therefore, it is clear that only the wage rates of those workmen who are employed by the employers in their ochre mines in Jaitwara area constitute the subject matter of demand No. 1 under reference. The Company at the hearing stated that there are no clerks and supervisors employed in their mines. Reference was made by Shri Chougule to the clerks employed at the depots, but clearly on a construction of the terms of reference they are not covered by this reference. The Union has also stated that there are certain person, who do clerical work at the mines, and for them the starting basic pay demanded is Rs. 80/- plus Rs. 40/- dearness allowance and with regard to those who have to do clerical work in the galleries an allowance of Rs. 20/- is claimed as under ground allowance per month. I am of the opinion that there are some workmen doing clerical work though of a very simple nature at the ochre mines themselves. Their work is of a semi-clerical nature of keeping records of quantity of ochre mined and despatched etc. I think the proper wage rate to fix for them would be to give them a basic wage starting with Rs. 70/-. I, therefore, award the workmen doing clerical work at the ochre mines a consolidated wage rate of Rs. 70-00 and if they have to go to the galleries in the discharge of their duties they should be paid an additional allowance of Rs. 5-00 per month.

21. With regard to the supervisors, the employers have denied that there are any supervisors at the mines. They have, however, admitted that mates are appointed. In view of this admission the claim for supervisors was not pressed by the Union.

Mates.—It is admitted that this category exists in these mines. In some mines they are daily rated and in some they are monthly rated. I was told at the hearing by Shri Bannerjee, who appeared for the employer that for the monthly rated mates the existing salary is Rs. 40/- to Rs. 50/- per month which is consolidated salary inclusive of dearness allowance and for the time rated mates, the wage paid is 0.10 nP. to 0.15 nP. per day more than is paid to the daily rated workers. The Union has, in its written statement, claimed for the mates a starting pay of Rs. 50/- with Rs. 30/- as dearness allowance and Rs. 15/- per month as underground allowance. The mates unquestionably perform more important duties than the daily rated and piece rated workers. They are, therefore, entitled to higher wages than the piece rated miner whose work also they supervise. I, therefore, award for mates the consolidated rate wage of Rs. 65/- per month. They would also be entitled to a gallery allowance of Rs. 5/- per month.

Time rated Male Labour.—I have already fixed the minimum wage of Rs. 2.12 nP. per day for the time rated male labour. This would be consolidated pay inclusive of dearness allowance and those working in the galleries are entitled to an extra allowance of Rs. 0.12 nP. per day.

Time rated female labour.—It is admitted that the female labour is mostly employed for picking foreign materials from ochre. From the statements made at the hearing, it appears that the employers have stopped employing female workers. This in my opinion, is most unfair to them. The principle of equal pay for equal work has been enshrined in our Constitution and in the coal mining and other industries no distinction is made in the wage rates for male and female workers doing the same kind of work. In the ochre mines, women workers are not employed in the galleries. At the hearing before the Conciliator, it was stated that

female workers were being employed and they numbered about 20 percent of the total number of the workmen employed in the ochre mines which means that about 80 to 120 women workers were being employed by these eight employers. In my opinion, the female daily rated workers should be paid the same wages as the daily rated male workers i.e. Rs. 2.12 nP. per day and I award the same to them. Not being allowed to work in the galleries there will be no question of their being paid this allowance.

Piece rated workers.—They constitute almost 75% of the workers employed in the ochre mines. At the hearing it was stated that different piece rates are worked out at the different mines depending upon the different conditions of extraction of ochre in those mines. This is the difficulty in the way of fixing a uniform piece rate. It was pointed out at the hearing that the yellow ochre does not have a steady seam. In some cases 2 to 4 inches of the upper layer of the seam may be high grade ochre and the rest of the lower layer may be middle grade. In such working conditions a satisfactory general piece-rate would be difficult to lay down. For selective mining time rated have to be employed. It was also stated that the ochre supplied to the paint factories has to be selectively mined as it must have 35 per cent of ferric contents. It was also stated by the employers that if the seam is thin and the adjoining strata of ochre is very hard, the workmen would not work on piece rate. There is difficulty also under the Mines and Manual Development Rules, under which the employers cannot leave un-mined ochre of inferior quality, however costly the operations of extracting them may be. There is another difficulty peculiar to ochre mining in as much the superior quality of ochre is only to be found below rather tough strata which however cannot under the Rules be removed by blasting.

22. Further, it is admitted that piece rates are fixed in each case after considerable bargaining. The managements have, therefore, pleaded that there should be no revision of the existing piece rates. Shri Chougule for the Union at the hearing conceded that the employers have difficulty over the smallness of seams. He, however, tried to work out a scheme for the piece rated workers depending upon the variation in the thickness of the seam. His scheme was on the basis of differing rates per "Serra" i.e. 22 maunds of ochre at different rates, the rates varying with the thickness of the seam and the quality of the ochre i.e. yellow, red or white. I am not satisfied that any such scheme would work. I, therefore, do not fix any piece rates for the piece rated workers. But I would direct that none of the piece rated workers shall be paid for working day of 6 hours less than the minimum wage of Rs. 2.12 nP. plus gallery allowance of 0.12 nP. per day if they work in the gallery. The same direction shall apply with regard to the female workers on piece rates, except that the female worker will not be allowed to work in the galleries. There is, therefore, no question of any gallery allowance for the female piece rated workers.

23. Demand No. 2—

"Whether the persons who are employed as mine managers in the ochre mines of the aforesaid employers in Jaitwara area are "Workmen" under the provisions of the Industrial Disputes Act; and if so, whether they are entitled to the revision of their wage rates and to what extent and from which date?"

There has been considerable controversy between the parties over the question whether the managers of those ochre mines are workmen as defined by the Industrial Disputes Act. Section 2(s) of the Industrial Disputes Act 1947 defines the term "Workman" as follows:

"Workman means any person (including an apprentice) employed in any industry to do any skilled or unskilled manual, supervisory, technical or clerical work for hire or reward, whether the terms of employment be expressed or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute or whose dismissal, discharge or retrenchment has led to that dispute but does not include any such person,

- (i) who is subject to the Army Act, 1950, or the Air Force Act, 1950, or the Navy (Discipline) Act, 1934; or
 - (ii) who is employed in the police service or as an officer or other employee of a prison; or
 - (iii) who is employed mainly in a managerial or administrative capacity;
- or

- (iv) who, being employed in a supervisory capacity, draws wages exceeding five hundred rupees per mensem of exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature."

24. I have given considerable thought to the duties of these Mines Managers as stated in the evidence of the employers witnesses. Though a Mines Manager, even of an ochre mine, has, under the Mines Act, responsible duties to discharge, from the evidence it appears that in these ochre mines the mines managers are only so in name and I have not the least doubt that they are appointed only to fulfil the requirement of the letter of the law. They are miserably paid and the mines managers who gave evidence before me were semi-literate and knew hardly anything about the duties and responsibilities of Mine Managers under the Mines Act. It is admitted that at present they are paid anything between Rs 35 to Rs. 60 per month, which wage is certainly not adequate.

25. On demand No. 2 the Union has stated as follows:—

Issue No. 2.—"That the persons who are employed as Mine Managers in these mines are workmen as defined in the Industrial Disputes Act, 1947 and their present salary which ranges between Rs. 35 to Rs. 60 is extremely low as compared to their huge responsibilities and arduous and difficult nature of work. The Union prays that the Hon'ble Tribunal may be pleased to grant them a basic salary of Rs. 150 per month with a dearness allowance of 50 per cent of the basic salary and as underground allowance of 20 per cent of the basic salary. The Union further prays that the Hon'ble Tribunal may be pleased to order the above scales of pay for the Managers from 1st January 1961".

26. The Managements in para 5 of their written statement have replied as follows:—

"That the contents of para under issue No. 2 are denied and has been already answered in the preceeding paras. It is also denied that the salary of the mine managers is low as compared with their responsibility and nature of work. That no increased salary, dearness allowance and underground allowance can be claimed in their circumstances of the case and no question of retrospective effect of the salary claimed can arise nor it can be sanctioned by the Hon'ble Tribunal."

It is clear from an account of duties of Managers, as stated by the Companies own witnesses that their main duty is to supervise the work of the labour employed on the ochre mines and to submit reports to the management. They also submit pay sheets and the receipt of the wages which they pay to the workmen. Witness E.W. 3, in his cross examination clearly stated that the money is sent to him from the Depot weekly after he submits the pay sheets and he receives the exact amount to be distributed as wages. In his cross examination, he further stated that he sends weekly reports of the work done and wages paid to the owners. E.W.2 stated that it is the management who make payments of the wages, but that when the owners are present they make the payments. It was sought to be urged that it is the Mines Managers, who engage the workmen and who are responsible for their wages. It was faintly sought to be argued that the relationship of employer & employees was between the Managers & the Workmen & not between the owners & the workmen, but the Employers' witnesses have not supported this stand. The statements of the employers' witnesses clearly show that the managers only supervise the work of the labourers and make payments to the labour from the amount received for that purpose from the employers. Employers' witness No. 4, Man Bharan Prasad, clearly stated in his cross-examination: "Manager can fix any piece or daily rate for the workers which he likes. The labourers at the Mines and at Depot are all the workman of the owners". E.W. 7 Bhagwandin Sharma, in his cross-examination stated that report under the mines Act is not sent by him, but by the owners. He further stated that he does not send any intimation to the Mines Inspector regarding the working and closing of mines. He only maintains the attendance and payment Register of the workmen. From the evidence on record it is clear that the mines managers are mainly supervisors, looking after and supervising the labour and production work at the Mines. They are clearly workmen under the Act as their work is of manual and clerical nature. Their wages are no where near Rs. 500 per month and they do not either by the nature of their duties attached to their office or by reason of powers vested in them, exercise functions of a managerial nature. They are managers only in

name, and they cannot be said to be employed in a managerial or in an administrative capacity. I have, therefore, no hesitation in holding that mine managers are workmen as defined by Section 2(s) of the Industrial Disputes Act.

27. The next question is what should be their wages. As stated earlier those Mines Managers are paid miserably low wages ranging between Rs. 35 to Rs. 60 per month. The Union have demanded basic salary of Rs. 150 and dearness allowance of 50 of their basic salary and 20 per cent of their salary as underground allowance. Their wages are so miserably low that substantial increase is undoubtedly called for. They are a class of employees who appear to have been exploited over a long time. None of them appears to be really qualified or competent to discharge the duties of the Mines Manager under the Mines Act. If they were, their salaries would be very much higher. But though they are there to fulfil the letter of the law, they are experienced in mining of ochre and they are the most responsible persons at the mines and in my opinion they should be paid the highest wages at the mines. I think that they should be awarded a consolidated wage rate of Rs. 125 per month, inclusive of dearness allowance and they should in addition be paid Rs. 5 per month as gallery allowance.

28. Under the terms of demands Nos. 1 and 2, it is necessary to fix the date from which the revised wage scales should come into operation. As I have stated earlier, this dispute was raised in about March 1962, and the reference to the Tribunal is dated the 15th June 1962. The Union in its written statement of claim has stated that retrospective effect should be granted from the 1st of January 1961. In my opinion, it will be impossible to grant retrospective effect to the revised wages rates awarded herein with retrospective effect from so long a period, as the employers may not be able to bear the heavy financial burden thereof. Normally I would have fixed retrospective from the date of the order of reference herein i.e. from 15th June 1962. But even that would amount to giving retrospective effect for over two years. There is no doubt that for a long time the workmen have not been paid adequate wages and they need to be compensated for it. But all the same, the burden of increased wage with retrospective effect should not be so heavy as to make it an unbearable financial burden on the employers. The employers have prayed that whatever revised wages are granted they should be granted prospectively and not retrospectively. But it must be remembered that the employers themselves say that they were prepared to pay a minimum wage of Rs. 2-00 from about March 1962. I am satisfied that the revision of wages has been long over due. I feel that the proper date from which retrospective effect should be granted should be 1st of January 1963. In fixing this retrospective date, I am taking into consideration the fact that the Ochre mines remain closed during the rainy season. Employers have also stated that their mines were not worked in the rainy season in the past. Excluding the period of the rainy season, in fact the retrospective effect would not be unduly long. Considering that the dispute was raised as far back as in March 1962, the retrospective effect from 1st January 1963, appears to be justified and reasonable and I grant the same.

20. Demand No. 3—

"Whether the workers employed in the Ochre Mines of the aforesaid employers in Jaitwara area are entitled to payment of bonus and if so, the quantum thereof and the date from which the same should be paid?"

In its written statement the Union has stated that the employers have been making huge profits by underpaying the workers and selling their products at unrestricted high prices and therefore the demand for payment of bonus is justified and the Union has prayed for payment of bonus equivalent to six months' total pay for the years, 1960 and 1961 to be calculated on the basis of the then existing wages.

30. The employers in their written statement have denied the statements made in the Union's written statement and have stated that bonus cannot be claimed on the principles stated by the Union. They have stated that, "there is no accumulation of profits which may be available for immediate distribution in the hands of the mine owners which is the fundamental principle for the decision of an issue on bonus."

31. It is doubtful whether the principles stated by either party can govern the claim for bonus or the denial thereof. Whether the demand for bonus out of the profit for a particular year is justified or not primarily depends upon whether there is any residuary surplus left out of the gross profits of that year after making provision for the prior charges as laid down by the bonus formula of the Labour Appellate Tribunal. No attempt was made by Shri Chougule, to

justify the demand for bonus for the years 1960 and 1961 on the application of the bonus formula to the accounts of the employers for those years. Shri Chougule, evidently realized this informity in his claim and, therefore, he made a plea for award of an *ad-hoc* payment of bonus. He was, however, wise enough later to state that he would not press the claim if retrospective effect to the revised scales in this dispute would be awarded with retrospective effect from January 1961. In my opinion all these submissions are extraneous to a claim for bonus which must depend upon the profits of the particular year and the residuary surplus that remains after provision has been made for the prior charges under the bonus formula. The Union has failed to establish a claim for bonus on the calculations of the bonus formula and the demand must, therefore, be deemed to have not been substantiated and is rejected as such.

32. Demand No. 4—

"Whether the workers in the aforesaid mines are entitled to the introduction of the Provident Fund scheme; if so, what would be its structures?"

There is no Provident Fund Scheme in any of the mines and at the hearing of the dispute Shri Chougule, for the Union stated that he does not press the demands. He, however, suggested that I should recommend that the Government should consider the application of the Employee's Provident Fund Act, 1952 (Act XIX of 1952) to this industry. Whether the provisions of the Employees' Provident Fund Act should be made applicable to a particular industry is a matter within the discretion of the Government and it would be open to the workmen of the particular industry to approach the Government in that regard. As far as I am concerned as the demand is not pressed, the same is rejected.

33. Demand No. 5—

"Whether the aforesaid workers are entitled to wages for the Republic Day (26th January) and Independence Day (15th August) and if so, from which year? Whether they are entitled to any other festival holidays and if so; from which year?"

The Union in its written statement on this demand has stated as follows:

"That the Republic Day (26th January) and the Independence Day (15th August) are treated as holidays with pay in almost all the industries and Government and private establishments. But in these mines even these national holidays were not granted to the workers with pay. We pray that the Hon'ble Tribunal may be pleased to grant ten more festival holidays with option for the parties to decide taking into account the local customs, festival for which these ten paid holidays shall be granted. The grant of these ten holidays is prayed for from the year 1960".

34. The Company in its written statement in reply to this demand has stated as follows:—

"That the contents of para under issue No. 5 are denied. It is submitted that those who work on twenty fifth and twenty seventh January are paid the wages for 26th January each year and the same cannot be claimed by all the labour. That the leave with wage on the 15th August every year cannot be claimed by the first party on account of the fact that the mines remain closed during the rains and no question of leave arises when the workers are not at work at all. The other holidays claimed therein are excessive and are fanciful and cannot be claimed by the first party so arbitrarily."

35. At the hearing Shri Banerjee for the employers stated that the Ochre mines owners were granting 26th of January as a paid holiday and had reported compliance thereof to the Regional Labour Commissioner (C), Jabalpur. He further stated that Republic Day was being given as a paid holiday ever since the Government started issuing circulars to grant that holiday as a paid holiday to its workmen. Employers therefore, admit the claim for the Republic Day being treated as a paid holiday and I direct them to do so and if it was not paid for to the workmen the Employers are directed to give wages for that day since January 1960 i.e. inclusive of Republic Day on 26th January, 1960. I cannot accept the employer's contention that they should be directed to pay the wages for Republic Day to only such workmen as had attended on the day previous and the day subsequent to Republic day. These are not normal conditions

governing the grant of paid holidays and the employers are directed to grant the Republic Day i.e. 26th January as a paid holiday since 1963 irrespective of whether the workmen had attended the mines on previous day i.e. 25th January or the subsequent day i.e. 27th January and to pay for the same accordingly since January 1963.

36. With regard to the second National holiday i.e. Independence Day, the employers have stated that they cannot possibly declare it as a paid holiday, because mines are not worked during the rainy season. That is an unsurmountable difficulty and therefore it would not be reasonable to direct the Company to grant this also as a paid holiday. The claim for a paid holiday on the 15th of August (Independence Day) is, therefore, rejected as the Ochre mines do not work on that day.

37. With regard to the festival holidays, Shri Banerjee in his submission on this demand stated that the employers observe one day for Holi, one day for Diwali, one day for Basant Panchami as paid holidays and they pay the same only to those workmen who attend a day prior to and a day subsequent to the days on which these festival holidays are observed. Workmen have, however, challenged the statement that these three festival holidays are being observed at the mines. It is significant that no mention of these three festival holidays being observed as paid holidays by the employers is made in the Company's written statement. Shri Banerjee, for the employers urged that the demand of employees for 10 holidays was excessive and unjustified and he has urged that the Satna Cement Company only grants five paid holidays. Shri Chougule for the Union however stated that according to his information the Satna Cement Company annually grants 7 paid holidays since 1962. Shri Chougule, however, stated that he would be satisfied if the two national holidays and four other festival holidays i.e. one each for Holi, Dassara, Diwali and Basant Panchami, were to be awarded. I think this is an extremely reasonable attitude to adopt. It is the usual practice to grant more than five festival holidays in most industries. The employers themselves are according to Shri Banerjee's statement, granting a paid holiday for Republic Day (26th January), one day for Diwali, one day for Holi and one for Basant Panchami and they can surely grant one more paid holiday for Dussehra. In the result, I direct that the employers of these Ochre mines shall observe the following five paid holidays:

- (1) One day for Republic Day (i.e. 26th January).
- (2) One day for Holi.
- (3) One day for Diwali.
- (4) One day for Basant Panchami.
- (5) One day for Dussehra.

The paid holidays shall not be subject to the condition that the workers who have not worked a day before or a day subsequent to the holiday shall not be entitled to it. I further direct that the four festival holidays shall come into operation prospectively from the date this award become enforceable, but the National Holiday shall be paid for from January 1963, as the employers say that they are already observing these holidays.

38. Demand No. 6--

"Whether the aforesaid employers are liable to provide any medical aid to the workers in the aforesaid mines; if so, at what scale?"

The employers say that they have engaged a Doctor who goes around mines and that he camps near the mines and attends to the medical needs of the workers. It is also admitted that there are three Government Hospitals not far from most of these mines. The employers have stated that between themselves they spend Rs. 400 to Rs. 500 per month for medical aid. They have argued that there is difficulty of finding a suitable Central place for a hospital and has urged that the requirements of the Mines Act are met satisfactorily met under the present arrangement. It cannot, however, be seriously doubted that the present arrangement can hardly meet the needs of the workers for medical aid. I am inclined to think that this is another instance where the employers merely comply with the letter of the requirements of the law i.e. the Mines Act and its regulations and rules. There is, however, no doubt that there is considerable practical difficulty of finding a central place from which medical aid could be dispensed to the workers in the various collieries of these eight employer companies. The difficulty in this matter of the employers is genuine.

39. With regard to the question whether the employers are liable to provide any medical aid to the workers, the employers recognise their liability to provide such medical aid under the Mines Act and its regulations and rules. Therefore, the material question to decide is on what scale should medical aid be provided. That is a difficult question considering the location of these various Ochre mines. Under the existing arrangements, it is not possible for the owners to give medical aid to every ailing worker who needs medical attention because the Doctor does not remain at any one place throughout the working season of the Ochre mines. Shri Chougule, therefore, suggested that if the workmen receive treatment from the Government Hospital and have to pay for it to purchase medicines or drugs certified by the Medical officer in charge of the Government Hospital, then the employers should be asked to indemnify the workmen for such medical expenses. I think this is a fair and reasonable suggestion and I would recommend the employers to give such medical assistance. Therefore, on this demand I only make a recommendation and not an award.

40. Demand No. 7—

"Whether the workers employed in the Ochre mines of the aforesaid employers are entitled to wages, lay-off compensation or any other relief during the period the mines were and are closed in rainy season; and if so, the quantum of such relief and the date from which the said relief is admissible?"

The Union in its written statement has in support of this demand stated as follows:

"That the mines are closed for three months during rainy season due to flooding of the mines. The workers for this closed period are entitled to lay off compensation. It is prayed that the Hon'ble Tribunal may be pleased to order payment of lay off compensation for this closed period for the years 1960-61 and 1962 and also to direct the continuance of this order for payment of compensation for future also."

41. The employers in their written statement in reply have stated as follows:—

"That the contents of para under issue No. 7 are denied. It is also denied that the Mines are closed only for a span of three months out of the total twelve calendar months. But the true fact is that the Mines are worked for a span of 4½ months in a year and as such it is a seasonal business carried on by the respective mine owners. It is closed for rest of the year under compelling circumstances and as such no question of lay-off under the circumstances would arise because the closing of the mine for major portion of the year is a matter beyond the control of the mine owners and cannot be worked even if the mine-owners so desire. It is, therefore, requested that the question of lay-off compensation does not arise."

42. I have already as stated aforesaid, found that the mines are closed during the rainy season, not because the workmen are not available, but because it is not possible to work these mines during the rainy season and the closure would account for almost 4 months. I am also not satisfied that the mines are worked in all for only 4½ months in the year, as alleged by the employers. I am not satisfied that the mines stop work during the harvesting season. I have by my award fixed what I consider to be the minimum wage required for full 8 hours working, and I am confident that with the higher rate of wages paid, the mines will have no difficulty in working during all the months in the year, except during the rainy season, when it is not possible to work these mines because of the very nature of this industry. The demand is for some compensation to the workmen for the months of the rainy season when they are not given any employment because it is not possible for them to work in the mines during that season. Shri Chougule, for the workmen, at the hearing under any other relief clause of this demand urged that something in the nature of 'retention allowance' should be paid to the workmen during the rainy season as is done in the sugar industry. He has stated that it is not the fault of the workmen that they are not given employment during the rainy season. His anxiety seems to be to secure continuity of employment for these workmen on re-opening of mines after the rainy season. At the hearing Shri Chougule stated that the workmen should be granted a retention allowance of atleast Rs. 10/- per month during the rainy season during which the mines are closed and during which season it is not possible to work the mines. He stated that not all the workmen work as agriculturist or are employed as agricultural labour and, therefore, some retention allowance should be provided for them. Shri Banerjee, the employers' representative has opposed this demand

and has argued that the workmen are not entitled to any relief by way of retention allowance or any other relief for the closure of the mines during the rainy season. He has urged that the workers are occupied in agricultural pursuits on their lands during the rainy season and during the harvesting season workmen are engaged in the harvesting work on their lands. In my opinion, under this demand the anxiety of the workmen is to secure continuity of their service after the mines re-open on the conclusion of the rainy season. It is not possible to compare this industry with the sugar industry where the retention allowance of half the basic wage and full dearness allowance is paid to the workmen who become qualified for their names to be entered on the retention allowance list. I am of the opinion that the workmen are entitled to some relief for non-employment during the monsoon months and in my opinion a very small monthly retention allowance to the workmen who have recorded an attendance of at least 180 days during the period of the re-opening of the mines after the rains till the closure of the mines just before the Monsoon of the following year, should be entitled to a monthly retention allowance during the Monsoon months, to ensure them some relief and which would also enable them to maintain the continuity of their service. This industry has been in existence in this area for over 50 years and though it is not so well organised it must make some effort to establish a stable labour force. I would, therefore, make a beginning by granting a very small retention allowance of only Rs. 2/- per month to such of the workmen who have during the period from the re-opening of the mines after the Monsoon to the closure of the mines in the following year just prior to the break of rainy season, put in 180 days attendance at the mines shall be entitled to payment of a retention allowance of Rs. 2/- per month during the rainy season. This Award shall become enforceable from the rainy season of 1965 and onwards.

43. Demand No. 8—

"Whether the employers are liable to establish any primary school for the education of the children of the workers employed in their mines?"

At the hearing Shri Chougule, for the Union did not press this demand, which is, therefore, rejected.

44. Demand No. 9—

"Whether the employers who employ less than 100 workers are liable to make the workers permanent and if so, what should be the eligibility for such permanency and to what relief the existing workers are entitled?"

The Union in support of this demand stated as follows in its written statement:

"That the mines which employ less than 100 workers treat their employees as casual or seasonal workers. This is an unfair practice because the workers are deprived of various facilities and have no security of employment. It is prayed that this Hon'ble Tribunal may be pleased to direct all the mine owners to make permanent all such workers who have put in three months' service with them." The employers in their written statement have, in reply stated as follows:—

"That the contents of para under issue No. 9 are denied. It is submitted that the idea of permanency of service does not arise at all in view of the fact that the working of the mine is seasonal and it is never certain as to what extent the mine will be able to give its fruits. There are cases in which the mines were taken on the lease and they had to be closed within a very short time on account of non-availability of the produce therein. Apart from these facts, it is submitted that the labour themselves are not in a position to carry on with their employers with any permanency on account of their agricultural engagement and moreover the operation of the mine being only for a period of 4½ months no permanency can be claimed by the alleged workers. It is also submitted that the very conception of time rated and piece rated labour is opposed to permanent engagement."

45. It is not possible to accept the contentions urged by the employers in their written statement. It is admitted that this industry has been in existence in this region for almost half a century and it is not seriously disputed that though not very regular, there is a constant labour force in this industry. As I have stated earlier I do not accept the management's contention that the mines are only worked for 4½ months in the year. In my opinion, the period during which these mines work in the year is being deliberately whittled down to deny the reasonable claims of the workmen. There is, it appears not a single mine which employs as many

as a hundred workmen. The appropriate Government, which is the Central Government, has not declared the industry seasonal and Shri Banerjee's statement that these employers are seeking to make Central Government declare the industry seasonal, itself proves that at present Government does not regard or treat these ochre mines on a seasonal basis. Shri Chougule, for the Union, has pointed out that there are no standing orders in the industry. He has, however stated that if a retention allowance is awarded under demand No. 7, the permanency would automatically be provided. In my opinion, there is an urgent need for framing model standing orders for the workmen in this industry and I would invite Government's attention in the matter. I have, under demand No. 7 given directions for payment of retention allowance, which will necessarily require a register to be maintained of the workers who will become eligible for payment of retention allowance. I further direct that as soon as the workmen becomes entitled to payment of retention allowance, he will be deemed to have become permanent in the employment of the owner of the mine.

46. Demand No. 10—

"Whether the workers employed by the aforesaid employers are entitled to any sick leave, if so, at what rate?"

The Union in its written statement has stated that the workers are not given any sick leave which causes a lot of hardship to them and it has claimed 30 days sick leave on full pay for all the employees. The employers in their written statement have stated that the demand is covered by the provisions of the Mines Act, 1952 which are being observed by the respective mine owners and therefore an industrial dispute cannot be raised separately on a demand for sick leave.

47. The provisions of the Mines Act to which the employers have referred provide for one day's earned leave for every 16 days worked, provided the employees put in 240 days work in the year. Shri Chougule, has pointed out that because of this provision of 240 days in the year no leave is earned or granted to the workmen because as the mines remain closed during the monsoon months, it is not possible for any workman to put in 240 days work in the year. Shri Banerjee at the hearing stated that under the Government order, the miners have become entitled to earned leave at the rate of one day for every 16 days worked without insistence on the qualification of 240 days attendance in the year; and that since February/March 1964, the employers are granting leave to the workmen of one day for every 16 days worked without insisting on attendance of 240 days. Shri Banerjee has urged that the Employees' State Insurance Act not having been extended to this industry the workmen were not entitled to a provision for sick leave. He has further urged that the main difficulty is of certification of the workmen's illness and that it would be difficult to stop the misuse of this leave of necessity.

48. Provisions for leave under the Mines Act are provisions for leave in the nature of privilege leave or earned leave which is at the rate of one day for every 16 days worked. Sick leave stands on a separate footing. In most industries in addition to privilege leave the workmen are entitled to both sick and casual leave. There is no provision for casual leave in this industry and upto February/March 1964 even the provision for earned leave of one day for 16 days worked was not being made available to the workmen. In my opinion the workers are entitled to some provision for sick leave. I, however, think that the demand for 15 days sick leave in the year made by the Union is excessive. I would therefore, direct 7 days sick leave in the year, to those workmen who have been made permanent for the purpose of retention allowance under demand No. 7. Even otherwise all those workmen who put in 180 days attendance in the year shall be entitled to claim 7 days sick leave in that year. The main difficulty seems to be the difficulty of certification. I would direct that sick leave of seven days in the year with full pay shall be granted on the production of a medical certificate from any Doctor in charge of a Government Hospital if there is such a hospital or dispensary at the place where the workmen may be residing and in the absence of a Government Hospital or dispensary of a registered medical practitioner. For the piece rated workmen the wages for the period of sick leave shall be the average wage earned by such workmen during the last two weeks preceding the day or days on which he falls sick. For the daily rated workmen the wages for the period of sick leave shall be his daily rate of wages on the date he falls ill.

49. With regard to the dates from which the various directions herein will come into force, I have already indicated the date from which the award on demands Nos. 1 and 2 shall come into force, i.e. that they shall come into force from 1st January, 1963.

50. With regard to the rest of the demands, the award herein on those demands shall come into force unless otherwise indicated or directed, from the date this

award becomes enforceable i.e., a month after the publication of this award on the Government of India Gazette.

51. To summarise, on the question of wages, I have fixed a minimum wage of Rs. 2.12 p. for the daily rated workmen who constitute only 25 per cent of the total number of workmen employed in these ochre mines. I have not fixed any rates of wages for the piece-rated workers who constitute about 75 per cent of the total number of workmen. The consolidated wage of Rs. 2.12 p. which I have fixed for the daily rated workers is for an eight hours working day and I have therefore not prescribed any separate dearness allowance. I may here notice that the employers had admittedly offered for the daily rated workers a consolidated wage of Rs. 2/- per day in the conciliation proceedings held in April 1962. It may not be seriously denied that since then there has been a rise in the cost of living and the increase of 12 nP which I have awarded over what the employers were prepared to pay in April 1962 would only partially neutralise the rise in the cost of living since then. I may emphasise that the minimum wage of Rs. 2.12 p. which I have fixed for the daily rated workmen is a consolidated wage inclusive of dearness allowance. I have also fixed Rs. 2.12 p. per day as the guaranteed wage for the piece-rated worker but that can place no heavy financial burden on the employers as their case is that on the existing piece-rates by doing 4 to 4½ hours' work the piece-raters are able to earn anything between Rs. 2/- to Rs. 4/- per day. I have fixed a small gallery allowance to compensate those working in galleries. I have fixed a small retention allowance to be paid during the monsoon season to workmen in order to compensate them for the non-availability of work during the rainy season as also to make the labour force in these ochre mines more stable. I am more than satisfied that this industry which has been in existence for over fifty years can well afford to pay the small increase in wages and few other benefits which I have awarded and I do trust that the employers will in fairness to the workmen pay the wages I have fixed for them and not further prolong this industrial dispute.

52. Shri Chougule has pressed for an order for costs. The workmen must be deemed to have succeeded substantially in this dispute. This has been a long and unnecessarily contested dispute on the part of the employers and I think an order for costs in favour of the workmen is necessary as the Union and the workmen have been put to considerable cost and expenses in the prosecution of this dispute. I, therefore, award Rs. 100/- as costs against each of these employers in favour of the Union, to be paid within a month of the date on which this award becomes enforceable. I further direct that all dues to the workmen under this award shall also be paid to them within a month of the date this award becomes enforceable, unless otherwise so provided.

(Sd.) SALIM M. MERCHANT, Presiding Officer.

[No. 22/18/62-LR.II.]

ORDERS

New Delhi, the 23rd June 1964

S.O. 2317.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Palamani Mica Mine, Chaganam, Nellore District and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Dr. Mir Siadat Ali Khan, as the Presiding Officer, with headquarters at Somajiguda, Hyderabad and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

Whether the refusal to employ Shrimati Baddavolu Kanakamma, Dasari Nagamma, Arkonram Lakshamma, Saudepudi Ponchalamma, Paddole Lakshamma and Yellampati Ramanamma by the management of Palamani Mica Mine was proper; if not, to what relief are they entitled?

[No. 20/5/64-LR.II.]

New Delhi, the 24th June 1964

S.O. 2318.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the North Golakdih Colliery of Messrs North Golakdih Colliery Company, Post Office, Baliapur, District Dhanbad, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the Management of the North Golakdih Colliery of Messrs. North Golakdih Colliery Company, Post Office Ballapur, District Dhanbad, caused stoppage of work of Shri Jagannath Mahato, Haulage Engine Khalasi, with effect from the 9th March, 1964; if so, to that relief is the workman entitled?

[No. 2/53/64-LRII.]

S.O. 2319.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Ganhoodih Colliery Post Office Jharia, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of the Ganhoodih Colliery, Post Office Jharia, District Dhanbad, was justified in dismissing the following ten workmen with effect from the 4th November, 1963; if not, to what relief are the workmen entitled?

1. Shri Balchand Nonia.
2. Shri Ram Sunder Kurmi.
3. Shri Faguni Mochi.
4. Shri Hari Mochi.
5. Shri Banshi Chamar.
6. Shri Ram Roop Jaiswara.
7. Shri Puthi Kumbhar.
8. Shri Md. Rafiq Khan.
9. Shri Sakaldeep Harizan.
10. Shri Ballraj Harizan.

[No. 1/29/63-LRII.]

New Delhi, the 25th June. 1964

S.O. 2320.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Madhuband Colliery, Post Office Nudkharkee, District Dhanbad, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of the Madhuband Colliery, Post Office Nudkhurkee, District Dhanbad, locked out the following four workmen with effect from the respective dates noted against them; if so, to what relief are the workmen entitled?

S. No.	Name and designation of the workmen	Date of lock-out
1.	Chhota Ramdhani Beldar, Miner	17-10-1963.
2.	Ramkaran Beldar, Miner	16-10-1963.
3.	Lagan Rajbhor, Minor	16-10-1963.
4.	Lotan Rajbhor, Miner	17-10-1963.

[No. 2/97/63-LRII-I.]

S.O. 2321.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Madhuband Colliery, Post Office Nudkhurkee, District Dhanbad, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of the Madhuband Colliery, Post Office Nudkhurkee, District Dhanbad, was justified in transferring Shri Ramswarup, Miner, from 1/10 pit to 17 seam, vide the management's order dated the 7th November, 1963; if not, to what relief is the workman entitled?

[No. 2/97/63-LR. II-II.]

New Delhi, the 26th June 1964

S.O. 2322.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Sijua Colliery of Messrs Tata Iron and Steel Company Limited, Post Office Sijua, District Dhanbad, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the management of the Sijua Colliery of Messrs Tata Iron and Steel Company Limited, Post Office Sijua, District Dhanbad, in suspending Shri Laloo Mahato, Pump Khalasi, for ten days with effect from the 9th December 1963 and subsequently dismissing him from service with effect from the 30th January 1964 was justified; if not, to what relief is the workman entitled?

[No. 2/52/64-LR.II.]

S.O. 2323.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to Messrs Burrakur Coal Company Limited, Sijua Office Administration, Post Office Sijua, District Dhanbad, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the action of management of Messrs Burrakur Coal Company Limited, Sijua Office Administration, in transferring Shri Abbas Ali, Car Driver, to Saltore Colliery and subsequently dismissing him from the services of the Sijua Office Administration with effect from the 7th July, 1963 is an act of victimisation?

2. If so, to what relief is the workman entitled?

[No. 2/49/64-LR-II.]

CORRIGENDUM

New Delhi, the 23rd June 1964

S.O. 2324.—In the schedule to the Order of the Government of India in the Ministry of Labour and Employment No. S.O. 1362 dated the 9th April, 1964, published in the Gazette of India, Part II, Section 3, sub-section (ii) dated the 18th April 1964, under the heading 'Specific matters in dispute' for "(c) Total number of workmen employed in the undertaking affected—899", read "(c) Total number of workmen employed in the undertaking affected—1649".

[No. 23/4/64-LR.II.]

A. L. HANDA, Under Secy.

New Delhi, the 25th June, 1964

S.O. 2325.—The following draft of rules further to amend the Coal Mines Labour Welfare Fund Rules, 1949, which the Central Government proposes to make, in exercise of the powers conferred by section 10 of the Coal Mines Labour Welfare Fund Act 1947, (32 of 1947), is published, as required by sub-section (1) of the said section, for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 1st October, 1964.

2. Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

Draft Amendment

1. These rules may be called the Coal Mines Labour Welfare Fund (Amendment) Rules, 1964.

2. In the Coal Mines Labour Welfare Fund Rules, 1949, in rule 34,

(a) in sub-rule (1), the following proviso shall be inserted namely:—

“Provided that in case of despatches of coal of Grade I or higher grade, the said duty of excise shall be paid into the nearest treasury in advance for the purpose of obtaining permit/permits from the relevant authority.”.

(b) sub-rule (3) shall be renumbered as clause (a) of sub-rule (3) and the following words shall be added at the end of clause (a) of sub-rule (3) so re-numbered:—

“in the case of grade II and lower grade coal”.

(c) after clause (a) of sub-rule (3) the following clause shall be inserted namely:—

“(b) In the case of coal of grade I and above, the duty of excise shall be paid in the same manner as specified in clause (a) and the receipted Treasury Challan shall be submitted to the Coal Controller or any officer to whom powers have been delegated by the Coal Controller to issue permits. The Coal Controller or any other officer issuing permits shall send a statement to the Commissioner each month furnishing the names of persons who have paid cess, the names of collieries from which the coal or coke has been despatched, Treasury Challan numbers and dates in respect of each deposit indicating also the names of the Treasuries and the States in which the said Treasuries are situated. Such a statement shall be sent to the Commissioner by the first week of the month following the month to which the statement relates.”.

[No. 1/6/63/-MII.]

New Delhi, the 29th June 1964

S.O. 2326.—Whereas Shri L. D. Hughes has been nominated by the Indian Mining Association under clause (d) of sub-section (1) of section 12 of the Indian Mines Act, 1952 (35 of 1952) in place of Shri G. W. Hogg who has resigned;

Now, therefore in exercise of the powers conferred by sub-section (1) of section 12 of the Mines Act, 1952 the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 3933 dated the 22nd December, 1962, namely:—

In the said notification, under the heading ‘Members’, for item (3), the following item shall be substituted, namely:—

“(3) Shri L. D. Hughes. Messers Andrew Yule and Co. Ltd., P.O. Disergarh, District Burdwan”.

[nominated by the Indian Mining Association under clause (d) of section 12(1)].

[No. 3/3/64-MI.]

R. C. SAKSENA, Under Secy.

New Delhi, the 25th June, 1964

S.O. 2327.—In pursuance of clause (b) of sub-paragraph (1) of paragraph 4 of the Employees' Provident Funds Scheme, 1952, the Central Government, on the recommendation of the Government of Madras, hereby makes the following further amendment in the notification of the Government of India in the late Ministry of Labour No. S.R.O. 3381, dated the 2nd November, 1954, namely:—

In the said notification, in item (2), the entry "Shri R. Balasubramaniam," shall be omitted.

[No. 12/1/64/PF-II.]

New Delhi, the 29th June 1964

S.O. 2328.—Whereas the resignation of Shri Kaliprosad Chakraborty Provident Fund Inspector has been accepted with effect from the 3rd June, 1964 (A.N.).

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby rescinds the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 1508, dated the 27th May, 1963, published in Part II Section 3(ii) of the Gazette of India dated the 1st June, 1963.

[No. 20(49)/63-PF-I.]

CORRIGENDUM

New Delhi, the 23rd June 1964

S.O. 2329.—PWA/14/Mines/64(1).—In the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 1953/PWA/14/Mines/64 dated 14th April 1964, published at pages 2303—2306 in Part II, Section 3(ii) of the Gazette of India dated the 6th June 1964, in item VIII, sub-item 5(viii), on page 2396, for "Visakhapatnam (Prosecution)" read "Hyderabad (Prosecution)".

[No. 535/41/64-Fac.]

P. D. GAIHA, Under Secy.

MINISTRY OF PETROLEUM & CHEMICALS

New Delhi, the 29th June 1964

S.O. 2330.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from drill sites to collecting stations within the Ankleshwar Oil Field in Gujarat State, pipeline should be laid by the Oil and Natural Gas Commission and that for the purpose of laying such pipelines it is necessary to acquire the right of user in the land described in the Schedule annexed hereto;

2. Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right to User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification, object to the laying of pipelines under the land to the Competent Authority, Gujarat Pipeline Project, L.M.P. Building, Sayaji Ganj, Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

State—Gujarat

Distt.—Broach.

Taluk—Ankleshwar.

Village	Survey No.	Acre	Guntha	Sq. Yds.
Adol	50	0	3	4
”	66	0	2	0
”	63	0	3	8
”	61	0	2	0
”	63 1/2	0	2	4

[No. 31 (67)/63-ONG.]

S.O. 2331.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals S.O. No. 1468, dated the 18th April, 1964 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And, whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands, shall instead of vesting in the Central Government, vest on the date of the publication of this declaration in the Oil and Natural Gas Commission free from all encumbrances.

SCHEDULE

State—Gujarat

District—Kaira

Taluka—Cambay

Village	Survey No.	Acre	Guntha	Sq. Yds.
Luncj	272	0	1	43
Vasana	262	0	16	125
"	167/1	0	17	110
"	167/2	0	13	47
"	167/3	0	12	55
"	166	0	1	54
Ralej	215/1	0	9	111
"	215/2	0	3	117
"	249	0	11	100
"	183/1	0	2	91
"	183/3	0	14	93
"	152/2	0	25	2
Cambay	406/2	0	12	15
"	488/1-2	0	15	3
"	483	0	14	71
"	484	0	2	101
Sakarapur	436	0	18	26
"	437	0	4	36
"	435	0	20	60
Naza	85	1	15	85
"	23	0	14	59
Nagra	1503	0	16	1
Nana Kalodra	14/3	0	24	64

[No. 31(38)/63-ONG.]

S.O. 2332.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum between Barauni Refinery in Bihar State to Kanpur in Uttar Pradesh State, a pipeline should be laid by the Indian Refineries Limited and that for the purpose of laying such pipelines, it is necessary to acquire the right of user in the land described in the Schedule annexed hereto.

2. Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the Competent Authority—Special Land Acquisition Officer, C/o Indian Refineries Limited, P.O. Hathidah, District Patna. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

State—Bihar

District—Shahabad

Thana—Arrah

Village with thana No.	Survey No. (Plot No.)	Extent in acre	Village with thana No.	Survey No. (Plot No.)	Extent in acre
Ammanarbirpur No. 146	520	0.135	Ammanarbirpur No. 146—	515	0.07
	521	0.002	contd.	514	0.04
	518	0.125		511	0.04
	517	0.24		510	0.16
	516	0.055		508	0.02

Village with thana No.	Survey No. (Plot No.)	Extent in acre	Village with thana No.	Survey No. (Plot No.)	Extent in acre
Ammanarbirpur No. 146— <i>contd.</i>	507	0.16	Ammanarbirpur No. 146— <i>contd.</i>	1857	0.10
	578	0.10		1862	0.03
	579	0.13		1858	0.065
	580	0.04		1859	0.08
	583	0.09		1860	0.05
	584	0.10		1854	0.095
	584	0.10		1853	0.11
				1850	0.11
	2818			1790	0.21
	590	0.51		1791	0.34
	607	0.002		1792	0.13
	591	0.12		509	0.001
	593	0.10			
	600	0.26	Bhadwar No. 147	78	0.001
	599	0.07		77	0.11
	1345	0.07		76	0.001
	1470	0.24		79	0.053
	1475	0.17		82	0.09
	1476	0.19		84	0.24
	1480	0.14		87	0.143
	1481	0.09		134	0.21
	1482	0.06		135	0.16
	1526	0.09		137	0.002
	1527	0.07		138	0.006
	1531	0.12		136	0.15
	1535	0.16		146	0.19
	1538	0.14		148	0.198
	1539	0.13		152	0.09
	1552	0.00		149	0.095
	1543	0.08		158	0.19
	1545	0.10		157	0.195
	1547	0.32		279	0.15
	1553	0.07		280	0.135
	1551	0.08		281	0.14
	1557	0.27		284	0.12
	1556	0.02		286	0.135
	1997	0.15		285	0.12
	2001	0.06		297	0.08
	1994	0.09		296	0.09
	1993	0.135		295	0.135
	1992	0.003		294	0.46
	1985	0.125		375	0.135
	1991	0.04		372	0.095
	1986	0.05		370	0.33
	1990	0.02		368	0.11
	1953	0.10		389	0.08
	1951	0.175		1287	0.04
	1950	0.05		1296	0.18
	1948	0.05		1300	0.025
	1946	0.065		1302	0.005
	1945	0.12		1304	0.001
	1940	0.12		1305	0.06
	1939	0.09		1306	0.04
	1938	0.13		1308	0.295
	1921	0.22		1312	0.01
	1920	0.07		1313	0.25
	1918	0.09		1860	0.06
	1917	0.09		1297	0.045
	1911	0.06		1309	0.15
	1910	0.09		1310	0.02
	1906	0.135			
	1903	0.145	Sakaddi No. 134	3038	0.002
	1899	0.14		3039	0.013
	1900	0.001		3040	0.175
	1897	0.10		3057	0.06

Village with thana No.	Survey No. (Plot No.)	Extent in acre	Village with thana No.	Survey No. (Plot No.)	Extent in acre
Sakaddi No. 134— <i>contd.</i>	3047	0.01	Dhandiha No. 133— <i>contd.</i>	1190	0.22
	3041	0.12		1166	0.021
	3042	0.05		1169	0.05
	3044	0.31		1167	0.005
	3045	0.05		1168	0.04
	3056	0.04		1170	0.025
	3058	0.075		1171	0.04
	3059	0.085		1158	0.035
	3060	0.085		1154	0.09
	3061	0.12		1172	0.01
	3062	0.154		1152	0.005
	3064	0.001		1153	0.12
	3073	0.007		1156	0.005
	3074	0.18		1155	0.10
	3075	0.143		1151	0.025
				1150	0.005
				1129	0.23
Dhandiha No. 133	1361	0.10		1139	0.105
	1360	0.08		1138	0.02
	1359	0.18		1137	0.13
	1357	0.095		1136	0.23
	1356	0.095		1135	0.025
	1354	0.08		1134	0.31
	1340	0.015		1133	0.025
	1353	0.025		1047	0.04
	1341	0.075		1017	0.02
	1343	0.095		1016	0.15
	1344	0.10		1015	0.09
	1347	0.002		1014	0.28
	1346	0.18		2396	0.14
	1407	0.06			
	1406	0.16		2395	0.015
	1464	0.163		2394	0.06
	1463	0.26		2398	0.08
	1409	0.23		2397	0.28
	1410	0.055		2399	0.01
	1454	0.065		2411	0.23
	1453	0.11		2412	0.155
	1450	0.09		2413	0.085
	1448	0.02		2422	0.005
	1449	0.07		2421	0.21
	1446	0.075		2420	0.002
	1436	0.11		2425	0.35
	1437	0.24		2426	0.003
	1439	0.085		2438	0.175
	1440	0.07		2447	0.10
	1441	0.21		2448	0.025
	1610	0.02		2449	0.02
	1278	0.13		2446	0.145
	1277	0.085		2460	0.105
	1276	0.10		2450	0.11
	1275	0.31		2452	0.04
	1274	0.185		2459	0.20
	1273	0.19		2457	0.18
	1272	0.08		2468	0.105
	1271	0.09		2469	0.10
	1264	0.02		2467	0.17
	1253	0.07		2483	0.215
	1252	0.13		2479	0.01
	1249	0.17		2480	0.13
	1248	0.09		2481	0.21
	1247	0.11		1451	0.002
	1246	0.015		1445	0.002
	1191	0.377		1256	0.002
	1189	0.015			

Village with thana No.	Survey No. (Plot No.)	Extent in acre	Village with thana No.	Survey No. (Plot No.)	Extent in acre
Dhandiha No. 133— <i>contd.</i>	1179	0·002	Koilwar No. 132— <i>contd.</i>	2683	0·145
	2437	0·002		2684	0·05
	1159	0·005		2681	0·175
	1421	0·002		2679	0·025
	1438	0·001		2680	0·18
	1250	0·001		2789	0·08
				2791	0·11
Kulharia No. 135	3648	0·01		2792	0·11
	3649	0·04		2793	0·06
	3650	0·08		2711	0·05
	3651	0·06		2712	0·09
	3652	0·07		2713	0·04
				2714	0·105
Koilwar No. 132	2685	0·045		2715	0·41

[No. 31(47)/63-ONG(1).]

S.O. 2333.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum between Barauni Refinery in Bihar State to Kanpur in Uttar Pradesh State, a pipeline should be laid by the Indian Refineries Limited and that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the Schedule annexed hereto.

2. Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the Competent Authority—Special Land Acquisition Officer, C/o Indian Refineries Limited, P.O. Hathidah, District Patna. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

State—Bihar			District—Shahabad			Thana—Dum rawon		
Village with thana No.	Survey No. (Plot No.)	Extent in acre	Village with thana No.	Survey No. (Plot No.)	Extent in acre	Village with thana No.	Survey No. (Plot No.)	Extent in acre
Raghunathpur No. 258	181	0·01	Raghunathpur No. 258— <i>contd.</i>	213	0·195			
	178	0·94		214	0·35			
	183	0·25		218	0·24			
	188	0·185		220	0·045			
	189	0·185		219	0·12			
	190	0·21		223	0·30			
	191	0·02		255	0·135			
	193	0·02		315	0·04			
	194	0·24		254	0·135			
	197	0·68		329	0·31			
	201	0·085		749	0·23			
	202	0·15		750	0·085			
	203	0·14		744	0·29			
	204	0·05		757	0·03			
	205	0·23		788	0·14			
	206	0·135		1075	0·11			
	207	0·38		1079	0·26			
	210	0·18		1080	0·085			

Village with thana No.	Survey No. (Plot No.)	Extent in acre	Village with thana No.	Survey No. (Plot No.)	Extent in acre
Raghunathpur No. 258— <i>contd.</i>	836	0.05	Madhukara No. 253— <i>contd.</i>	338	0.07
	1083	0.41		339	0.21
	1082	0.035		340	0.25
	1240	0.16		341	0.41
	1241	0.14		384	0.30
	1233	0.09		342	0.65
	1232	0.11		343	0.55
	1231	0.09		344	0.15
	1229	0.01		345	0.12
	1230	0.03		346	0.15
	1222	0.20		347	0.135
	1221	0.10		348	0.19
	1223	0.084		360	0.05
	1220	0.12		361	0.07
	1218	0.016		362	0.095
	1217	0.125		363	0.04
	1216	0.08		365	0.10
	1200	0.09		364	0.015
	1201	0.10		367	0.07
	1202	0.055		368	0.03
	1203	0.025		369	0.24
	1215	0.06		370	0.045
	1205	0.20		349	0.015
	1207	0.01	Menhmarar No. 254	428	0.045
	1169	0.11		52	0.41
	1170	0.06		56	0.175
	1175	0.205		57	0.28
	1168	0.01		58	0.415
	1178	0.17		59	0.175
	1179	0.165		69	0.04
	1415	0.28		62	0.41
	745	0.002		66	0.275
	1258	0.001		67	0.16
Madhukara No. 253	331	0.26		68	0.75
	330	0.06		71	0.20
	332	0.14		430	0.028
	334	0.44		431	0.025
	335	0.46		70	0.002
	337	0.06			

[No. 31(47)/63-ONG (ii).]

S.O. 2334.—Whereas by a notification of the Government of India in the Ministry of Mines and Fuel S.O. No. 2139, dated the 22nd July 1963 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines;

And whereas the competent authority has, under sub-section (i) of section 6 of the said Act, submitted report to the Government;

And, whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (i) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands, shall instead of vesting in the Central Government, vest on the date of the publication of this declaration in the Indian Refineries Limited free from all encumbrances.

SCHEDULE

State—Bihar

District—Monghyr

Thana—Teghra

Village with Thana No.	Survey No.	Extent in (Plot No.) acre	Village with thana No.	Survey No.	Extent (Plot No.) in acre
Bihat No. 504 . . .	7258	0.025	Bihat No. 504—contd.	7023	0.008
	7125	0.14		7083	0.03
	7124	0.46		6993	0.05
	7050	0.065	Simaria No. 500	4181	0.22
	7051	0.065		4186	0.13
	7055	0.15		4173	0.07
	7056	0.10		4172	0.03
	7057	0.115		4171	0.25
	7059	0.125		4192	0.11
	7061	0.02		4193	0.13
	7060	0.055		4238	0.17
	7032	0.16		4258	0.08
	7031	0.258		4257	0.12
	7030	0.06		4254	0.13
	7020	0.06		4252	0.12
	7022	0.41		4265	0.27
	6958	0.195		4253	0.025
	6957	0.31		4255	0.075
	6949	0.235		4165	0.03
	6946	0.263			
	6947	0.18	Malhipur No. 503	260	0.07
	6902	0.047		258	0.02
	6920	0.11		268	0.10
	6903	0.13		271	0.16
	6919	0.03		272	0.05
	6918	0.06		342	0.15
	6909	0.09		343	0.18
	6910	0.42		355	0.61
	6911	0.015		345	0.21
	6907	0.05		354	0.52
	6860	0.205		374	0.16
	6859	0.075		496	0.02
	6862	0.04		495	0.04
	6856	0.095		494	0.02
	7386	0.005		356	0.005

[No. 31/47/63-ONG (iii).]

S.O. 2335.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum between Barauni Refinery in Bihar State and Haldia Port in Calcutta in West Bengal State, pipelines should be laid by the Indian Refineries Limited and that for the purpose of laying such pipelines, it is necessary to acquire the right of user in the land described in the Schedule annexed hereto.

2. Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the Competent Authority at 9, Syed Amir Ali Avenue, Calcutta-17 in the office of the Indian Refineries Limited. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

Addendum—

State—West Bengal.

Distt.—Midnapore.

Tehsil/Thana—Tamluk.

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Nilkunthia, J.L. 52	95	·04	Nilkunthia, J.L. 52—contd.	1218	·10
	98	·02		1219	·05
	100	·16		1220	·01
	101	·14		1224	·03
	102	·06		2705	·03
	966	·18		2706	·04
	967	·01		2955	·05
	1042	·06		2972	·14
	1043	·005		2975	·16
	1050	·22		2977	·03
	1055	·11		2990	·20
	1056	·09			
	1057	·01	Harasankar Khamarchak	1475	·20
	1092	·05	J. L. 59.	1479	·16
	1093	·12		1480	·14
	1094	·22		1516	·10
	1095	·02		1517	·12
	1097	·10		1518	·30
	1099	·14		1526	·05
	1100	·05		1546	·30
	1101	·14		1547	·18
	1217	·06			

[No. 31/33/63-ONG-I.]

S.O. 2336.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum between Barauni Refinery in Bihar State and Haldia Port in Calcutta in West Bengal State, pipelines should be laid by the Indian Refineries Limited and that for the purpose of laying such pipelines, it is necessary to acquire the right of user in the land described in the Schedule annexed hereto.

2. Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification, object to the laying of pipelines under the land to the Competent Authority at 9, Syed Amir Ali Avenue, Calcutta-17 in the office of the Indian Refineries Limited. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

Addendum—

State—West Bengal.

Distt.—Midnapore.

Tehsil/Thana—Panskura.

Village	Survey No. (Plot No.)	Extent (Area)
Baradabar, J.L. 298	492	·38
	493	·16

[No. 31/33/63-ONG-II.]

S.O. 2337.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals S.O. No. 296, dated the 16th January, 1964 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines;

And whereas the competent authority has, under sub-section (i) of section 6 of the said Act, submitted report to the Government;

And, whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands, shall instead of vesting in the Central Government, vest on the date of the publication of this declaration in the Indian Refineries Limited, free from all encumbrances.

SCHEDULE

State—West Bengal

Distt.—Midnapore

Tehsil/Thana Panskura

Village	Survey Nos. (Plot Nos.)	Extent (Area)	Village	Survey Nos. (Plot Nos.)	Extent (Area)
Uttar Sagarbar, J.L. 306	173	·06	Gajai— <i>contd.</i>	442	·08
Namdaigajan, J.L. 310	634	·08		567	·02
Bangalpur, J. L. 317	1079	·10		581	·01
	1325	·005	Patharia, J.L. 249	606	·005
	1326	·08		609	·01
	1327	·09		872	·02
Durbachati, J.L. 258	5	·06	Baradabar, J.L. 298	133	·005
	771	·005		139	·005
Kanaichak, J.L. 260	628	·06	Payag, J.L. 297	267	·005
	697	·005	Chainpur, J.L. 321	1270	·005
Ramchandrapur, J.L. 250	23	·005	Ukhrapara, J.L. 322	326	·005
	624	·005	Saradabasan, J.L. 305	442	·06
Gajai, J.E. 248	95	·005		446	·05
	99	·005		447	·17
	135	·005		448	·05
				449	·04
				457	·03

[No. 31(33)/63-ONG.]

S.O. 2338.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals S.O. No. 293, dated the 16th January, 1964 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines;

And whereas the competent authority has, under sub-section (i) of section 6 of the said Act, submitted report to the Government;

And, whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (i) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands, shall instead of vesting in the Central Government, vest on the date of the publication of this declaration in the Indian Refneries Limited, free from all encumbrances.

SCHEDULE

State—West Bengal				Dist.—Midnapore				Tehsil/Thana—Sutahata			
Village		Survey No. (Plot No.)	Extent (Area)	Village		Survey No. (Plot No.)	Extent (Area)				
Hadia, J.L. 47		1122	·01	Sovarnpur, J.L. 147		1398	·005				
		2173	·01								
Sapua, J.L. 48		65	·005	Kismatsibaram Nagar,		1671	·005				
		99	·005	J.L. 94							
		489	·005	Kishorepur, J.L. 171		399	·005				
						503	·01				
Barabasudevpur, J.L. 62		1461	·06								
		1606	·03	Tetulberc, J.L. 170		225	·02				
		2334	·02			231	·01				
		2731	·04			268	·005				
Gorankhali, J.L. 61		457	·005			814	·01				
						899	·01				
Manaharpur, J.L. 92		303	·005			1090	·005				
		343	·04			1557	·005				
		345	·01			1568	·005				
		426	·005			1918	·01				
		1817	·03			1922	·005				
Chaulkhola, J.L. 93		1052	·01			1923	·15				
		1063	·005			1924	·05				
						1953	·08				
						1954	·04				

[No. 31 (33)/ONG-63 (2).]

S.O. 2339.—Whereas by notifications of the Government of India in the Ministry of Petroleum and Chemicals S.O. No. 297, dated the 16th January, 1964 and S.O. No. 1202, dated the 26th March, 1964, under sub-section (1) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to those notifications for the purpose of laying pipelines;

And whereas the competent authority has, under sub-section (i) of section 6 of the said Act, submitted report to the Government;

And, whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (i) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands, shall instead of vesting in the Central Government, vest on the date of the publication of this declaration in the Indian Refneries Limited, free from all encumbrances.

SCHEDULE

State—West Bengal

Dist.—Midnapore

Tehsil/Thana—Tamluk

Village	Survey Nos. (Plot Nos.)	Extent (Area)	Village	Survey Nos. (Plot Nos.)	Extent (Area)
Harashankar, khamar, J.L. 59	1589 1665 1630	·005 ·08 ·05		1024 562 1656 1652	·12 ·05 ·02 ·06
Bali Kalua, J.L. 93	163 409	·04 ·10	Padambasan, J. . 14	2407 2408 116 117 118 128	·04 ·08 ·02 ·06 ·02 ·07
Padampur, J.L. 99	515	·04			
Rajgoda, J.L. 100	248	·08			
Dharinda, J.L. 279	1321	·04	Kapasberia, J.L. 283	845 1551	·08 ·03
Bhubaneshwarpur, J.L. 146	1653 1654 42 48 52	·05 ·10 ·02 ·03 ·03	Dakshin Usatpur, J.L. 60	1597 1695 1721	·06 ·14 ·03
Nilkuntlia, J.L. 52	1224 100 101	·05 ·08 ·10	Bara Padambassan, J.L. 145	877 244	·08 ·06

[No. 31(33)/63-ONG(3).]

S.O. 2340.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals S.O. No. 295, dated the 16th January, 1964 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines;

And whereas the competent authority has, under sub-section (i) of section 6 of the said Act, submitted report to the Government;

And, whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (i) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands, shall instead of vesting in the Central Government, vest on the date of the publication of this declaration in the Indian Refineries Limited, free from all encumbrances.

SCHEDULE

State—West Bengal			Dist.—Midnapore			Teshil/Thana—Daspur		
Village	Survey Nos. (Plot Nos.)	Extent (Area)	Village	Survey Nos. (Plot Nos.)	Extent (Area)			
Jote Ghanshyam J.L. 240	2667 2689 4304 5498 5559 5564 5658 5690 5691 5785 5802 5805 5814 6334 6350 6706 6793 6999	·005 ·005 ·05 ·06 ·005 ·115 ·005 ·02 ·18 ·005 ·005 ·005 ·005 ·005 ·005 ·08 ·14 ·03	Jote Ghanshayam J.L. 240— <i>contd.</i>	7221 7326 7696	·05 ·005 ·13			
			Kultikari, J.L. 241	83 275 670 843 846 847 1049 1056 1130 1137 1796 1935 2760	·005 ·04 ·005 ·005 ·22 ·17 ·09 ·05 ·03 ·01 ·05 ·12 ·005			

[No. 31(33)/63-ONG(4)]

S.O. 2341.—Whereas by notifications of the Government of India in the Ministry of Petroleum and Chemicals S.O. No. 294, dated the 16th January, 1964 and S.O. No. 1203, dated the 26th March, 1964 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to those notifications for the purpose of laying pipelines;

And whereas the competent authority has, under sub-section (i) of section 6 of the said Act, submitted report to the Government;

And, whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (i) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands, shall instead of vesting in the Central Government, vest on the date of the publication of this declaration in the Indian Refineries Limited, free from all encumbrances.

SCHEDULE

State—West Bengal			Distt.—Midnapore			Tehsil/Thana—Mahisadal		
Village	Survey Nos. (Plot Nos.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)			
Purbakanchanpur, J.L. 137	52 53 55 56 57	·11 ·09 ·04 ·13 ·08	Purbakanchanpur, J.L. 137— <i>contd.</i>	59 60 61 62 63	·005 ·02 ·09 ·06 ·04			

Village	Survey Nos. (Plot Nos.)	Extent (Area)	Village	Survey Nos. (Plot Nos.)	Extent (Area)
Madargechhya, J.L. 90	1415 1401	·005 ·07	Kolsar, J.L. 88 . .	1025	·005
Bagda, J.L. 138	1055 1064 1144 1159	·03 ·005 ·005 ·005	Naradari, J.L. 44 .	1321	·02
Chanpi, J.L. 146	1942/A 1946 2456	·04 ·005 ·005	Madhabpur, J.L. 122 .	1212	·005
Naikundi, J.L. 117	822 436/A 15/B	·05 ·03 ·04	Jhaupatra, J.L. 144 .	902 1171	·005 ·11
			Jasnan, J.L. 99	104/A	·04
			Kalikakundu, J.L. 148.	77 1940	·12 ·02

[No. 31(33)/63-ONG-5.]

ERRATUM

New Delhi, the 29th June 1964

S.O. 2342.—In the Schedule to the notification of the Government of India in the Ministry of Petroleum and Chemicals S.O. No. 1195, dated the 21st March 1964 published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 4th April, 1964 read Survey No. 940/1041 for 1001 in village Sahna No. 7 Sardari Circle Gaichhand.

2. This Ministry's S.O. No. 1787, dated the 14th May, 1964 published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 23rd May, 1964 is hereby cancelled.

[No. 31/47/63-ONG/11 JAT.]

P. P. GUPTA, Under Secy.

